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A NEW AND COMPLETE
D I C T I O N A R Y
O F
TRADE and COMMERCE:

CONTAINING
A Distinct EXPLANATION of the
GENERAL PRINCIPLES OF COMMERCE;
An ACCURATE DEFINITION of its TERMS;

A N
Ample ILLUSTRATION of the LAWS and CUSTOMS of all Commercial States, with
respect to MERCANTILE AFFAIRS, in general; including the several TREATIES of
COMMERCE actually subsisting at this Time between the different Powers of EUROPE.

A Particular DESCRIPTION of the different
PRODUCTIONS OF ART AND NATURE,
Which are the BASIS and SUPPORT of COMMERCE;

Particularly distinguishing the
Growth, Product, and Manufactures of GREAT BRITAIN and its Colonies.

A N
Exact Specification and Valuation of all FOREIGN COINS, with Easy Concise TABLES for reducing
them to the BRITISH STANDARD. An Historical and Critical Account of all Public and Private
COMPANIES, and of all Public BANKS and FUNDS, with the Nature of their Securities. An
Abstract of the BYE-LAWS and CUSTOMS of all Ports and Harbours; with a Description of the
OFFICE and DUTY of CONSULS, AGENTS, and other Persons residing in Foreign Parts, for the
Protection of the Commerce of their respective Nations.

A L S O
Observations on the PRESENT STATE of our FOREIGN COMMERCE, and of the
NEW MANUFACTURES established and brought to Perfection of late Years in GREAT BRITAIN,
of which no Account has hitherto been given in any other Commercial Dictionary.

By T H O M A S M O R T I M E R, Esq;
His Majesty's VICE-CONSUL for the AUSTRIAN NETHERLANDS.

L O N D O N : Printed for the AUTHOR ;

And sold by S. CROWDER, at the Looking-Glass; and J. COOTE, at the King's Arms, in Pater-noster-row ;
and J. FLETCHER, in St. Paul's Church-yard.

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ADVERTISEMENT.

AMIDST the great variety of Literary Productions continually presented to the Public, very few seem calculated for General Utility; and when we are favoured occasionally with any works of this class, the Expence of the purchase in a great measure defeats the design; for no performance can prove Extensively useful, unless it be published on such terms as are best calculated to promote Universal Circulation.

In this point of view, the method of publishing useful works in periodical Numbers, at an easy price, seems justly to claim the preference beyond all others: by this means, those who stand most in need of information, procure it at a cheap rate; and Knowledge is not confined to the studies of the Rich and Affluent alone, but is universally diffused among men of every rank and station: from hence an evident advantage arises to the community, which is but little attended to: the leisure hours of the Tradesman, Manufacturer, and Mechanic, being thus employed, and a small portion of his honest gains thus bestowed, he is diverted from scenes of idle, if not of criminal, dissipation, and his mind at the same time being improved by the acquisition of useful information, his manners become refined, his ideas more enlarged, and, in a word, he is made a better man and a more useful citizen. But it must be acknowledged, at the same time, that the general Taste of Reading which at present prevails in these kingdoms, may prove equally pernicious to society, if it is not directed into a proper channel; for while the press furnishes us only with books of amusement, such as Romances, Novels, Memoirs, and Plays, or that these are sought after and purchased with avidity; while such as convey real Improvement and Instruction are neglected and discountenanced, it is to be feared the cause of Vice and Immorality will rather be promoted than discouraged by our frequent publications.

COMMERCE, it must be allowed, is a Science from whence we derive the greatest honour and advantage: "If we consider (says Mr. Addison) our own country in its natural Prospect, without any of the benefits and advantages of COMMERCE, what a barren uncomfortable spot of earth falls to our share! Traffick has not only enriched our Vegetable World, but it has improved the whole Face of Nature among us. Our Ships are laden with the Harvest of every Climate; our Tables are stored with Spices, and Oils, and Wines; our Rooms are filled with pyramids of China, and adorned with the Workmanship of Japan. Nature, indeed, furnishes us with the bare necessities of Life; but TRAFFICK gives us a great Variety of what is Useful, and at the same time presents us with every thing that is Convenient and Ornamental. For these reasons, there are not more useful members in a commonwealth than Merchants; they knit mankind together in a mutual intercourse of Good Offices, distribute the Gifts of Nature, find Work for the Poor, add Wealth to the Rich, and Magnificence to the Great."

In a free Commercial State, where the body of the nation consists of Merchants, Artists, Manufacturers, Tradesmen, and Artificers, such books as treat of the Polite and Useful Arts, of the Fabricating of sundry Manufactures, and of the Nature, Extent, and Benefit of Commerce, with the most advantageous methods of conducting it, deservedly claim the preference, and merit the first attention of the Public; yet a mere cursory perusal of our modern catalogues of books, will convince us how deficient we are in works of this class, which in foreign countries are to be found in great abundance. Some excellent performances have, indeed, appeared on subjects relative to the Arts and Sciences; but with respect to COMMERCE in particular, we have no compilation in our language, which merits the name of a COMPLETE TREATISE on that important subject. This induced me, some years since, to undertake the present work, which was afterwards laid aside to give place to a New History of England; which having happily met with the most favourable encouragement, I have now ventured to resume the Commercial Work, as no improper Companion to the History of England; and I have chosen the same method of publication, that persons of every station might be enabled to purchase a work, which I flatter myself will prove as Entertaining, and at the same time as extensively Useful, as the History.

A D V E R T I S E M E N T.

I have selected the whole from the best ancient and modern authors; and as a great number of Commercial Treatises have been published, especially in the French language, since the publication of the only two Dictionaries on Trade and Commerce now extant in our language; and the State of our Foreign Commerce is greatly altered and improved, and our Possessions in America considerably enlarged; I have added such an ample account of the Present State of Commerce, both at Home and in the Colonies, as will render this work more Correct and Instructive than those hitherto published, provided the Execution shall appear equal to the Plan: and of this the candid reader will be the most impartial judge.

I have preferred the form of a Dictionary, on account of the Ease of referring for immediate information; for I consider, that I am writing chiefly for the use of the Sons of Industry, who have but little leisure to bestow on reading, and who, perhaps, in the very course of their business, may have occasion instantaneously to refer for information to some particular article, when they have no time to attend any other part of the subject; for the same reason, I have carefully avoided all tedious digressions and dissertations that are foreign to the subject, and which form the chief defect of Postlethwayt's Dictionary on Trade and Commerce, translated from the French of Monf. Savary. On examining the following articles in that Dictionary, viz. BREAD, BREWER, CARDS, &c. I found whole pages taken up with details of the Bye-laws, &c. of the private companies of Bakers, Brewers, Card-makers, &c. of the city of Paris, which cannot convey any Instruction to the English reader, and are by no means connected with the subject in general.

From the variety of treatises published in foreign countries on Commercial Subjects, their youth are very early masters of the Principles of Commerce in general, which are not to be learned by serving an apprenticeship to any particular trade; and in Holland in particular, where every thing relative to the interests of Commerce, is duly attended to, every little piece that appears in France, or any other country, on this subject, is immediately procured at any expence, and is to be found in the houses of the Dutch Merchants and Shopkeepers; whilst books of mere entertainment scarce ever find admittance: hence a general knowledge of trade is universally diffused, and carried into practice; and while our Tradesmen know little more than the particular branch of business in which they have been brought up, and are ignorant of almost all other commodities but those which form the immediate objects of their particular traffick; Foreign Merchants, and even Shopkeepers, have a more general knowledge, and may be called a sort of General Merchants, being qualified for transacting various branches of commerce.

To remedy this defect with us, which perhaps is one reason why our very great Commercial Affairs are confined to so few hands, and Monopolies daily increase, this NEW and COMPLETE DICTIONARY of TRADE and COMMERCE is humbly offered to the Public; and the Author hopes that many years Experience in Commercial Affairs, joined to an extensive Acquaintance with British and Foreign Merchants, from whom he has received great Assistance in this Undertaking, has enabled him to execute it in such a manner as will give general satisfaction: and he has only to add, that the substance of every performance of reputation already in print on the subject, is carefully selected, and accurately inserted in this work; and that no article shall be omitted or abridged, which may in the smallest degree contribute to the attainment of a perfect Knowledge of every Circumstance relative to those grand objects of National and Private Concern.

DICTIONARY

O F

TRADE and COMMERCE.

A

A, The character or figure of the first letter of the alphabet, in Latin, English, French, and almost all the languages of Europe.

A, was a numeral letter among the ancients. Baro-
nius cites the technical verses that were expressive of the
value of each letter of the alphabet. This verse,

Possidet A numeros quingentos ordine recto,
specifies that the letter A signified five hundred; sur-
mounted with a dash or strait line, thus ($\overline{A}$), it signified
five thousand.

The ancients, properly so called, made no use of those
numerals, as it is commonly believed. Isidore of Seville,
who lived in the seventh century, assures us expressly
of the contrary; *Latini autem numeros ad litteras non com-
putant*. This custom was not introduced but in the
times of ignorance. M. Ducange, in his Glossary, ex-
plains at the beginning of every letter what that custom
was, and most lexicographers have copied without un-
derstanding him; for they all agree in saying, that the
explanation of that custom is found in Valerius Probus:
whereas Ducange only said it was found in a collection
of grammarians, amongst whom was Valerius Probus.
*Habetur verò illud cum Valerio Probo . . . & aliis qui de
numeri scripserunt editum inter grammaticos antiquos*. The
Hebrews and Arabs made use of their *aleph*, and the
Greeks of their *alpha*, which answers to our A, for
signifying the number 1. and in the Scripture-language
alpha denotes the beginning and principle of all things:
I am Alpha, &c.

A, *numismatic or monetary*, on the reverse of the an-
cient Greek medals, signifies that they were struck in
the city of Argos, and sometimes in that of Athens.
In the consular medals, this letter denotes likewise the
place of fabrication; in those of the emperors, it com-
monly signifies *Augustus*. On the reverse of the medals
of the lower empire, which were in reality current coins,
and as such used by the people, A is the mark either of
the city, as Antioch, Arles, Aquileia, where there were
mints; or imports the name of the master or warden of
the mint. In the French gold and silver coins, this letter
is the mark of the money of Paris; and the double AA
that of Metz.

I.

A

A, *lapidary*, in the ancient inscriptions on marble, &c.
signified *Augustus*, *ager*, *aiunt*, &c. according to the sense
required by the rest of the inscription. When double,
it signifies *Augusti*; triple, *auro*, *argento*, *ære*. Isidore
says, that when found after the word *miles*, it signifies
that the soldier was a young man. We find in some in-
scriptions explained by able antiquaries A rendered by
ante, and according to them, those two letters AD are
equivalent to the words *ante diem*.

A, in modern writers, imports the year, as A. D.
anno Domini, the year of our Lord.

A, in the Julian Calendar, is the first of the seven
dominical letters. The Romans made use of them long
before the time of Christ: this letter was the first of the
eight nundinal letters; and it was in imitation of this
custom that the dominical letters were introduced.

A, is an abbreviation used in different arts and for diffe-
rent purposes. See ABBREVIATION.

AAA, among chemists, signifies an amalgama, or
the operation of amalgamating. See AMALGAMA and
AMALGAMATION.

A, $\bar{a}$, or $\bar{a} \bar{a}$; this abbreviation is used in medicine
for *ana*, indicating an equal quantity of each different
ingredient prescribed in the receipt. Thus $\mathcal{U}$ *thuris*,
myrrhæ, *aluminis* $\bar{a}$ $\mathfrak{H}$ j, is the same thing as $\mathcal{U}$ *thuris*,
myrrhæ, *aluminis*, *ana* $\mathfrak{H}$ j. In both examples $\bar{a}$, $\bar{a} \bar{a}$ and
ana, signify equal parts of each ingredient. $\mathcal{U}$ means,
take of frankincense, myrrh, alum, of each one scruple.
This signification of *ana* has not its origin in the fancy of
the first physician who adopted it; for the proposition
 $\bar{\alpha}\nu\alpha$ among the Greeks was taken in the same sense it
now is by the authors of medicine. Hippocrates, in his
treatise of the diseases of women, after speaking of a
peffary, which he recommends as proper for conception,
and after specifying the drugs, adds $\bar{\alpha}\nu\alpha$ $\bar{\epsilon}\lambda\theta\omicron\lambda\omicron\nu$ $\bar{\epsilon}\kappa\acute{\alpha}\sigma\tau\omicron\nu$, that
is, of each one drachm. See ANA.

A. merchants, traders, bankers, and book-keepers, make
use of this letter, either alone, or followed by some other
initial letters, for abridging ways of speaking frequent in
trade, and for saving time and room in their journals,
books of accounts, or other registers. Thus, among the
French, A alone, after mentioning a bill of exchange,

B

signifies

signifies *accepted*. A. S. P. signifies, *accepté sous protest*; accepted under protest. A. S. P. C. *accepté sous protest, pour mettre à compte*; accepted under protest, to be placed to account. A. P. signifies to protest.

Merchants commonly distinguish their sets of accounts by the letters A, B, C, &c. which answer the end of No 1, 2, 3, &c. in order to refer by these letters, from new sets of books to the old, or to certain articles which they may have an occasion to review.

AABAM, some alchymists have made use of this word to signify lead. See LEAD.

AAGGI-DOGGI, a Persian word, signifying *The Bitter Mountain*, which is so called on account of its being a very dangerous passage for the caravans, which travel into Persia from Constantinople to Ispahan. It is situated a day's journey from Louri, on the frontiers of Persia, near Chaouqueu. When the caravans are arrived at the pass of this mountain, all the camels and horses are numbered, for each of which the caravan-bachi takes a duty, which he employs partly for the pay of the soldiers that guard the caravans, and partly for other small charges; but he reserves the greatest part for himself. See CARAVAN.

AAM, a measure for liquids, used at Amsterdam, containing about sixty-three pounds, avoirdupoise weight.

ABACA. It does not appear that naturalists know exactly what it is. M. Savary says, in his Dictionary of Commerce, that it is a sort of hemp or flax, prepared from an Indian plantane, which is white or grey. The white is manufactured into very fine cloth; but the grey is used only for cordage and cables.

ABACO. Some ancient authors use this word to signify *arithmetic*. The Italians also use it in the same sense.

ABACUS, amongst ancient mathematicians, signified a small table covered with dust, on which they traced their plans and figures, according to the testimony of Martius Capella, and Persius, *sat. i. v. 131*.

*Nec qui abaco numeros et fasces in pulvere metas
Scit rixisse vaser.*

ABACUS *Pythagoricus*, or the table of Pythagoras, was a table of numbers for the more easy learning of the principles of arithmetic. It is probable this was nothing more than our table of multiplication. Ludolphus lays down rules for multiplication, without the help of the *abacus*; but they are too long and difficult to be made use of in the ordinary operations.

ABACUS, also among the ancients, signified a kind of cupboard or buffet destined for several uses. In a merchant's counting-house it served as a writing-desk; and in a dining-room it held the plate, drinking-cups, and like utensils. It was usually of marble, as appears by this passage of Horace:

*Et lapis albus
Pocula cum cyatho duo sustinet.*

The Italians have called this piece of furniture *credenza*. The word *abacus* latinized is of Greek origin. Abacus further signified a panier, basket, chapter of a pillar, basis of a rock, mountain, the diameter of the sun, &c.

The ABACUS used for accounts and calculations, was a kind of long frame divided by several parallel brass-wires, each passing through an equal quantity of ivory globules, or small balls of wood moveable, as the grains of beads, by the disposition of which, and according to the relation the lowermost bore to the uppermost, the numbers were distributed into different classes, and all sorts of calculations performed. This arithmetical table, in use among the Greeks, was not unknown to the Romans. It is found described from some ancient monuments by Fulvius Urfinus and Ciaconius; but as the use of it was somewhat difficult and embarrassing, that of counters prevailed. In China, and some other parts of Asia, merchants and dealers still reckon by small ivory or ebony-balls, a brass wire being run through them; and they commonly wear this string of beads hanging from their belts or girdles. The Chinese also, according to Le Comte, have for the purposes of calculating, an *abacus* or table, consisting of an oblong board, about eighteen inches in length, on which are fastened obliquely a certain number of brass wires, strung with a quantity of ivory or wooden beads of different sizes. By an arrangement of these, known

only to themselves, and by following the rule of proportion, which the beads of a superior rank bear to the inferior, they calculate with such readiness and exactness, that they can keep pace with the most expert accountant, while he is casting up any account in a regular book.

ABACUS. The great *abacus* is likewise a kind of trough made use of in mines for washing gold.

ABADA, is said to be an animal found on the south-coast of Bengal, with two horns, the one on the forehead, the other on the nape of the neck. It is much about the size of a foal of two years old, has the tail of an ox, but not so long; the mane and head of a horse, but the mane thicker and coarser, and the head flatter and shorter; and the feet of a stag, cloven, but larger. The horn in the forehead is three or four feet in length, slender, about the thickness of a man's leg towards the root; sharp at the point, and strait in the animal's youth-age, but afterwards bending forwards: the horn on the nape of the neck is shorter and flatter. The inhabitants of this country kill it for the sake of its horns, which they hold to be a specific, not in several diseases, as we read in some authors, but in general against poisons and the bites of venomous animals. It would be rashness in us, after such a description, to doubt of the *abada's* being a real animal; but it remains to be known whether mention is made of it in some well informed and accurate modern naturalist, or whether perhaps all this has no other foundation than the testimony of some traveller. See Vallisneri, *tom. iii. p. 367*.

ABAST, in the sea-language, denotes the stern, or hinder part of a ship or vessel, called also *ast*. The stern, strictly speaking, is only the outside; *abast* includes both inside and out.

ABASIR. Some alchymists have made use of this word to signify *spodium*.

ABALIENATION, in the Roman law, signifies a sort of alienation, whereby the effects called *res mancipi* were transferred to persons, who had a right to them, either by a formula called *traditio nexu*, or by a renunciation made in presence of the court. This word is composed of *ab* and *alienare*. The effects called *res mancipi*, and the object of the alienation, were cattle, slaves, lands, and other possessions within the bounds of the territories of Italy. Those who had a right of acquiring them were Roman citizens, the Latins, and some foreigners, who were allowed this commerce by special licence. The transaction was performed, either with the ceremony of weights, and money in hand; or by a renunciation, in presence of a magistrate.

ABANDONED, in the civil law, is said of goods, which the proprietor has renounced knowingly and willingly, and which he no longer reckons in the number of his effects. This term is also applied to lands, which the sea has retired from and left dry, and which may be in a state of cultivation.

ABANDONING, in the civil law, is the voluntary or forcible relinquishing the goods one is possessed of. If to creditors, it is called *cessio*; if they are abandoned to be free from the charges to which one is subject by possessing them, it is called *giving up*. A man, by the act of *abandoning*, or *giving up* all his effects, is deemed free from the pursuit of his creditors, so as that they can form no pretensions to whatever he may afterwards acquire.

ABAREMO-TEMO, a tree which grows, it is said, in the mountains of Brazil. Its roots are of a deep red, and its bark of an ash-colour, bitter to the taste, and yielding a decoction fit for deterring inveterate ulcers. Its substance has the same property.

ABARI, *Abaro*, *Abarum*, a great tree of Ethiopia, that bears a fruit like a pompon.

ABAS, a weight used in Persia for pearls. It weighs three grains and a half, but somewhat less than those of avoirdupoise weight.

ABASSI, a Persian silver coin. Schah-Abas II. ordered the coining of silver pieces, called *abaafi*. The legend is relative to the Mahommedan profession of faith in the Alcoran, and the stamp or impression to that king's name and the city where it was struck. An *abassi* is worth two *inamoudis*, or four *chayes*; the *chaye* is worth somewhat more than 2d. $\frac{1}{2}$ sterling, and thus the *abassi*

abassi may be nearly of the same value with our shilling. There are double *abassi*, triple, and quadruple; but the last are rare. The *abassi*'s being subject to be adulterated, it is good to weigh them; and therefore the payments in this coin are made by weight, and not by the number of pieces.

ABASSON, the first kingdom on the African coast westward, from the cape of Sierra Lione to the river of Ardres, extends only about six or seven leagues along shore, though its bigness within land is unknown. On sailing eastward, the villages and little states of Albiani and Tabo are met with; the first six leagues from Issini, and the other ten. The ships that trade along the coast come to an anchor before those villages, and hoist their colours, on which the negroes immediately come off, and on finding them friends, go aboard, where they are commonly regaled with a glass or two of brandy, and an enquiry is made from them, whether any ships have been lately on the coast, and what goods they have got to dispose of.

ABAT CHAUVÉE, a sort of wool of subaltern quality, so called in Angoumois, Xaintonge, la Marche, and Limosin, in France.

ABATELEMENT, a term of trade used by the French in the ports of the Levant. It signifies a sentence of the consul debarring all merchants and dealers of the French nation from carrying on any trade, who disavow their bargains, or refuse to pay their debts. This interdict is so rigorous, that those against whom it is pronounced are not even allowed to bring any action for the payment of their debts, till they have made adequate satisfaction, according to the consul's judgment, and taken off the *abatement*, by paying and executing its injunctions.

ABATEMENT, otherwise *Rebate*, is a term in use among traders, for a discount or abatement in the price of certain commodities, when the buyer advances the sum directly, for which he might have taken time. As traders are not always inclined to pay ready money, an abatement or deduction of so much per cent. per annum, has been devised to induce them to it, that they may take the advantage of the customary discount. It is also the practice of several great trading companies in foreign countries, to allow discount for payment of ready money; and of that of the English East-India Company in particular, to allow 6 per cent to the buyer for prompt payment, as it is termed.

It sometimes likewise happens, that goods, upon delivery at the Custom-house, are found to have received damage. In this case, the surveyor and landwaiter are to make their report on the back of the warrant, and return it to the collector and principal officers; who are then to chuse two indifferent and experienced merchants to view the goods, and upon oath to determine the quantum of the damage. Then the surveyor and landwaiter certify, that the goods viewed by the merchants are the same for which duty was paid: whereupon a certificate of the whole proceeding is made out, and a proportional abatement of the duty is made, and repaid to the merchant, upon his signing the receipt. *See* SURVEYOR, LANDWAITER, CERTIFICATE, DRAWBACK.

ABESH and ANIAN, a part of Ethiopia, so called, is bounded by Egypt and Abyssinia towards the north and west; by the Red Sea and the Eastern Ocean on the east; and by Zanguebar on the south, and extends from the fifth degree of north latitude to the twentieth. *Anian* lies upon, or near the Eastern Ocean, and the Red Sea. The Portuguese and other Europeans, who have visited it of late years, assure us, it is a perfect desert from latitude 5 to the Straits of Babelmandel, and even within those straits for several miles. The Turks are masters of the coast of *Abesh* to the northward of *Anian*, and in the principal ports, Sunquem and Arquico, about 150 miles distant from each other, keep strong garrisons, which command the country, a fruitful tract of ground, populous, and abounding with plenty of most things.

ABB. The yarn of a weaver's warp is so called by the clothiers; they also say *abb-wool* in the same sense.

ABBEVILLE, a large town in Picardy, about ninety miles, north of Paris, and fifteen east of the British Channel, is celebrated for a manufacture of fine broad cloth, which

Lewis XIV. first established, and which he did by advancing 40,000 livres to Mynheer Van Robais, a Dutchman. The king also erected for him a spacious and commodious place for carrying on this manufactory, with an elegant house to live in; and besides, granted him a patent for the sole making of superfine broad cloths in that part of France. And, as Mynheer was a protestant, the French king granted him a farther patent, renewable every twenty years, for the free exercise of the protestant religion, for himself and family, and all the people that did then; or should hereafter, work in any branch of the woollen fabrics at this town. Also, that if any woman, who was a Roman catholic, should marry a protestant that belonged to this manufactory, she should have it in her option to turn protestant or not. And, in order at once effectually to establish this manufactory, the king himself wore some of the first cloth that was made, and ordered all his court to do the same.—All these privileges are maintained to this day inviolably, and the manufactory is now carried on by three partners, who are nephews to old Van Robais, and of the same name: nothing is here manufactured but superfine broad cloth, wherein, it is asserted, no wool is used but Spanish. The place lies close to a navigable river, not far from St. Valery, a small sea-port town; and they carry on in it every branch of this superfine manufacture, except the fulling of the cloth, and the spinning of the wool.

There are 108 broad looms, and about 600 men, women, and children, employed upon the spot, in picking of wool, winding, warping, weaving, shearing, rowing, dying, burling, scribbling, fine-drawing, pressing, packing, &c. All employed are governed with extreme decorum and regularity. They all come to work, and leave it at the beat of a drum. If any workman gets fuddled, or is guilty of any offence, he is suspended his work by the foreman of the branch to which he belongs, during pleasure, but not exceeding a month's time; for every branch of the business, it must be observed, is under the conduct of a distinct foreman, who so disciplines the workmen as to make them excel in every branch of the whole; which management is worthy of notice.

One Cole, that went from London, was the first person that taught them to dye proper colours, and to make mixtures of wool, as we do in England. This manufacture hath so enriched the Van Robais's family, that, upon public days, they appear in their coach and six horses, with half a dozen splendid valets to attend them, as grandly as any of the peers in France. Though no English wool is used in this superfine manufacture, if we are rightly informed, yet there is a large quantity used in the town of Abbeville; for this fabric, being crowned with such great success, induced other people to fall into the way of making other different sorts of stuff, as paragons, serge-royal, druggets, shalloons, cloth-serge, &c. which are chiefly made of English and Irish wool alone. There are not less than 1000 looms going in this town on paragons, besides a great many more employed in the making of druggets, serge, cloth-serge, &c. Those goods are chiefly sent to Spain, Portugal, and Italy, and most of them are absolutely sold for English woollen manufactures, as being *façon d'Angleterre*. "I have been told (says an eminent English woollen manufacturer of Northamptonshire, who took a tour to France, to see the progress of the woollen fabrics in that kingdom, and who published not long since an account of them) by a manufacturer of the town of Abbeville, that he hath known an English ship lie in St. Valery road (the port before mentioned) while they have sent a boat up to Abbeville, which is near four leagues, to fetch down bales of woollen manufactures, and have shipped them on board the English vessel, and carried them to foreign markets for English goods, the bales being marked and numbered, as if marked in England, and they were sold amongst our English goods."

It is very much to be feared, that this is too common a case, and has been an artifice of many years standing, to impose these French woollen manufactures, made *façon d'Angleterre*, upon foreign nations for English; and those too which have not been so good in quality may have been complained of by foreigners, and highly prejudiced the reputation

putation of our manufactures in that respect also.—Nor could a more superlative trick be contrived than this, in what light soever it may be taken, for the absolute ruin of our woollen manufactures, and the establishment of the French; and such Englishmen, or Britons, who are either merchants or masters of ships, that will be thus concerned in a conspiracy of such destructive consequence to the whole woollen manufactory of this kingdom, deserve the gibbet more meritoriously than any criminal, perhaps, that was ever exalted to it.”

And if this, upon due enquiry, should be found to be a very common practice, it may deserve the consideration of the legislature of the nation.

“But if I had the favour to know one of these gentlemen, continues the honest manufacturer before quoted, and should ask why he thus buys French goods, and ships them with our goods to be carried to foreign markets, I know it will be given for answer, That they can buy paragon, druggets, &c. cheaper at Abbeville than in England, which I know to be true. And the reason that goods are to be bought cheaper in France than in England is, because the labour is above one third cheaper than in England, where the same sorts of goods are made; for there the poor people work hard, and fare hard, as to their food and clothing.

“There is another pretty large manufacture carried on in this town, by four partners, two Dutch, and two Frenchmen; the Dutchman's name is Schalone, whose father was Van Robais's first foreman. This fabric is attended with good success: the sort of goods they make are serge-royals, druggets, and some few shalloons and cloth-serge; these goods are made mostly with English and Irish wool: they have several workshops in the town; they carried me to one of the comb-shops, where there were seven or eight men at work upon English and Irish wool; I combed a combful of it myself: they also shewed me their stock of wool, yarn, worsted, and other goods wrought up, which was very large; I believe there was at least 10,000*l.* stock, wrought and unwrought; I brought several of their patterns away with me, some serge and some druggets; the serge is the finest I ever saw: I shewed them to some of the best judges of serge in England, who declared that they had never seen any like them, for fineness and beauty, made in England. I mentioned before, that Van Robais had a patent for the sole making of superfine broad cloth, with other advantages; one of which was, that no person in that place shall use, or occupy, any fulling-mill, that goeth either by wind or water: so that when this factory was set up by the Schalones, they were obliged to have a mill to go with horses, which they call a gill-mill, and is one of the best contrivances that I ever saw for that purpose; for it fulls the goods to perfection.

“The last time I was at Abbeville, I observed that these four partners had advanced their trade; and one of the Schalones told me, that they had goods, then in Italy and Messina, but were obliged to take off the town mark before they sent them abroad, and so ship them on board some English vessel; this he said they did, because there was a large duty on French woollen goods in those parts, even almost to a prohibition; and that they could not therefore send any goods thither, but under the notion of English manufactures. The English, however, being kind neighbours, did the French that piece of service, to carry their goods for them to other markets, where the French could not go themselves: these are true Britons to be sure, and have a great value for their native country.”

Such is the seeming honesty and simplicity of this our woollen manufacturer's account, that we judge it most acceptable to continue his narrative in his own words:

“At the same time, continues he, I was at another merchant's house, where they were all hands at work, in packing woollen manufactures to be shipped on board an English ship that they expected every day to come into St. Valery road; this the master told me, and I saw the goods they were a packing: there were a great many bales, all marked with English marks and numbers. I also saw some Irish worsted at Messrs. Schalone's, that they had got to make shalloons with; I brought two skeins of it away along with me. The price of English

and Irish combing wool, was about 10*d.* English money, a pound; and some that was deep and a fine long staple, was 10*d.* $\frac{1}{2}$ per pound. Of late years they have got the way of making good hose at this town in frames, which they chiefly consume amongst themselves: I do not doubt but, in a short time, this branch will also find its way to foreign markets, along with the other goods, if they continue to have our wool: as to their method of mixing and managing of our wool with their own, it is as follows; in the finest serge, druggets, &c. they put none of their own country wool; but, in the second sort of goods, they mix one third of theirs, with two thirds of ours; and in proportion, as they would have their goods coarser or finer; for in some goods they mix two thirds of their own, with a third of our wool; for, with their own wool alone, they can only make coarse cloths, cloth-serge, hats, hose, &c. for the poor people of their own country. I was told by a manufacturer of this town, that he had received advice, that there was forty or fifty thousand weight of my country wool landed at Nantz, and that he was to have part of it. And, as near as I could learn, there are about 300 wool-combers in this town, and a great deal of the wool, combed here, is sent to Amiens, to be spun into small yarn or worsted, it being the best place in this country for good spinning.”

Although what this zealous manufacturer has related may not be absolutely true in every circumstance of his narrative, yet we apprehend that no one can make any doubt, but that the French do import into that kingdom large quantities of English and Irish wool; that they work this wool up into manufactures for home consumption, as well as for foreign markets; that the French have, from time to time, allured over many of our most ingenious workmen, who have excelled in divers branches of the manufacture; that if the French have our native wool, and our workmen, they may certainly make as good woollen fabrics of every kind as we are able to do; that as the reputation of our woollen fabrics of every kind has been much longer established than that of the French, it is no way improbable but that the French have imitated the English manufactures as nearly as possible in every circumstance; and therefore, there does not appear any improbability but the French have also made use of the expedient of counterfeiting the English marks, seals, &c. as well as the *façon d'Angleterre*, or English manner, make, or fashion, in fabricating of our various species of woollen goods. And, therefore, it is very natural to believe, that, in order to introduce their woollen fabrics of every sort into those foreign countries, where the English had been long established before them, they made use of the expedient of imposing their woollen fabrics, made in France after the English manner, upon foreign countries for English foreign goods, and continue this practice to this day, by counterfeiting our seals and marks, the lengths and breadths of our goods, and the same method of package, &c. with every other circumstance that may the more effectually deceive.—And, to the end that this may remain undiscovered, can any thing be a more natural disguise than to send French woollen goods to foreign markets with some English woollen goods, made and packed after the same manner; and, at the same time, to export them in English bottoms, and, by the confederacy of English captains of ships with English merchants, and consigned also to factors abroad, who are in the secret?

All this is so very plausible, and such measures are so likely for the French to fall into, in order to supplant the English in the woollen manufacture in foreign countries, that we may, without any difficulty, or strain of belief, credit the same as matter of fact; especially when this Northamptonshire manufacturer asserts the same to be true, with such circumstances of truth and credibility.

And, if this matter should ever come to be thoroughly scrutinized into by authority, and proper measures be taken to get to the truth, we are inclinable to believe it will be found to have been the constant practice of the French for many years, and one of their grand strokes of commercial policy, to worm us out of the woollen manufactures of the whole world, if possible: and, if they

they can have English and Irish wool very cheap, in exchange for their brandies and wines, &c. which our wool-smugglers run into our country; and, if their labour is considerably cheaper than ours, what hinders but France may inevitably ruin all our woollen manufactures?

ABDELARI, an Egyptian plant, whose fruit would nearly resemble the melon, if it was less oblong and acute towards its extremities. *Ray. Hist. Plant.*

ABEL-MOSC, called by the French *ambrette*, or *graine de musc* (musk-feed) is the seed of a plant growing in Egypt, and in the Antilles islands. This plant has greenish and tufted leaves, very much resembling those of the marsh-mallows; on which account, modern botanists have given it the name of the *tufted marsh-mallow* of the Indies. The seed scarce exceeds in size a large pin's head, shaped like a small kidney, of a greyish colour, shagreened, as it were, on the upper side, and the scent like a compound of amber and musk. The chief use made of it is for the composition of some perfumes, with which it is with some difficulty incorporated, unless properly managed. The Italian perfumers consume considerable quantities of it; and in France the nuns and pater-noster makers use it in some of their chaplets, or bead-strings. The plant is filed by M. Tournefort, *ketmia Egyptiaca*, *semine moschato*, Egyptian ketmia, with seeds smelling like musk; and Mr. Miller, in his *Garaener's Dictionary*, observes, that it is commonly called musk-feed in the West-Indies. The *ambrette* of Martinico is the best of all, and ought to be chosen new, plump, dry, neat, and of a pleasing odour.

ABER, in the ancient British language, signifies the fall of a stream or rivulet into a river. Such is the origin of the names of several confluences of this kind, and of several towns and cities that have been built thereon; as *Aberdeen*, *Abercromway*, &c.

ABERDEENSHIRE, in *Scotland*, is bounded on the south with part of Angus and Merns, or rather with the river Dee and the Grampian Mountains; with part of Banff on the north-west; part of Murray on the north; the German Ocean on the east; and the river Spey, and part of Badenoch, on the west. The chief places of trade in *Aberdeenshire* are,

1. *Aberdeen*, one of the principal cities in this shire: there are two towns or cities of that name, the old and the new; the old lies about a mile northward from the new, and is situated in the mouth of the river Don, which is remarkable for its extraordinary plenty of salmon and perch.

2. *New Aberdeen*, situated at the mouth of the river Dee, exceeds all the cities in the north of Scotland for largeness and beauty. It stands in a fine air, and has a great revenue arising from its salmon fishery. The adjoining sea not only furnishes them with plenty of fish, but reproaches them with their negligence, when they see the Dutch fleets perpetually fishing on their coasts, to very great advantage: but it has been till lately the humour of the inhabitants to apply themselves chiefly to the salmon fishing, and to neglect that of all other sorts.

The quantity of salmon and perch, taken in both rivers, is a kind of prodigy. The proprietors are united into a company, there being so many shares, of which no person can enjoy above one at a time. The profits are very considerable, the salmon being sent abroad into different parts of the world, particularly into England, France, the Baltic, and several other parts.

The herring-fishery is a common blessing to all this shore of Scotland, and is, like the treasure of the Indies, at their door, were it properly conducted by the Scots in general: by it, however, the merchants of Aberdeen are enabled to carry on a trade to Dantzick and Königsberg, Riga and Narva, Wybourn and Stockholm.

They have also a very good manufacture of linen, and worsted stockings, which they send to England in great quantities. They make some so fine as to be sold from fourteen to thirty shillings a pair. They also send them over to Holland, and into the north and east seas, in great quantities; yet the poor who knit them, if they get two-pence sterling a day, think they make a good day's work.

They have a great exportation of pickled pork, packed up in barrels, which they send chiefly to the Dutch for victualling their East-India ships, and men of war, the Aberdeen pork having the reputation of being the best cured, for keeping on long voyages, of any in Europe.

They also export corn and meal; but they generally bring it from the Firth of Murray, or Cromarty, the corn coming from about Inverness, where they have great plenty.

The people of Aberdeen are indeed universal merchants, so far as the trade of the northern parts of the world will extend; and it may be justly esteemed the third city in Scotland, next after Edinburgh and Glasgow.

3. *Peterhead*, in this shire, on the south of the water of Ugie, is a sea-port of considerable trade, and has a bay or road that will contain 100 sail of ships, with good riding in eight or nine fathoms. It is high-water here when the moon is directly south.

4. *Strathbogy*, in this shire, is fruitful in corn and pasture, has horned cattle, sheep, and horses for exportation; and is remarkable for its fine linen yarn, spun here by the women, and sold to the merchants.

The trade of *Scotland*, particularly the linen manufacture, being at a very low ebb, before the year 1725, the royal boroughs, who are the guardians of the trade of *Scotland*, took under their consideration the state of their trade and manufactures, in their general annual convention, held at Edinburgh, in July 1725, and in several subsequent meetings of their grand annual committee in that year.

The society also for the improvement of agriculture, and many persons, well skilled in trade and manufactures, formed proposals and schemes for encouraging the manufactures and fisheries: the result of which was, that, in their meetings of February 1725, they resolved to address his majesty, to have the monies, settled by law for the encouragement of their manufactures, applied for that purpose, in such manner, as that all misapplication might be prevented.

The effect of this was, that King George I. was graciously pleased to write the following letter to the royal boroughs, which was presented to the convention by his majesty's advocate, upon the 6th of July, 1726, and has had very happy consequences in regard to their manufactures in general ever since.

Superscribed G. R.

Trusty and well beloved, we greet you well. We having observed, that the several sums of money received and provided by the treaty of union, and by divers acts of parliament, to be employed for the improvement of fisheries and manufactures in Scotland, have not hitherto been applied to the uses for which they were intended; principally, because no particular plan or method hath been concerted, directing the manner in which these sums should be applied for the said purposes. And being desirous to remove that hindrance, as speedily as may be, we have thought good to recommend to you, that, at your first general meeting in the month of July next, you do take into your consideration the state of the said fisheries and manufactures, and of the monies provided for encouraging the same; and that by yourselves, or by committees of your number, you do devise and propose, the particular methods, rules, and regulations, which to you shall seem the most proper, for the application of the said sums towards the encouraging and promoting fisheries, and such other manufactures and improvements in Scotland, as shall most conduce to the general good of the united kingdoms; and that you do return to us the propositions in which you shall have agreed, to the end, that, upon due consideration thereof, a certain method may be settled for the application and management of these sums for the future. The welfare of our loving people of Scotland, and the prosperity of the royal boroughs, is so much concerned in what we recommend to you, that we doubt not, but you will go on in the execution of what is expected from you, with the utmost diligence, unanimity, and impartiality: and, on our part, we assure

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you of our countenance and encouragement in what you shall propose for the real good of our country, consistent with the general interest of our united kingdom, &c.

HOLLES NEWCASTLE.

In consequence of this letter from the throne, the convention agreed upon an answer, wherein they expressed their joy and gratitude to his majesty, for his tender concern for the welfare of Scotland; which filled the hearts of the most knowing people with great gratitude and loyalty, and animated them zealously to exert themselves to obtain several acts of parliament for regulating their linen manufacture, and promoting the fisheries in general of this part of the united kingdom. And, since this period of time, the linen manufactures of Scotland have rose to a very extraordinary perfection; and it is now to be most ardently wished and desired, that their fisheries will meet with such success and prosperity, as to employ numberless of the distressed poor, and prove as good a nursery for our British seamen as the coal-trade has been.

The reason of taking notice of king George I's regard to the improvement of the Scots manufactures and fisheries, is with a view to observe, what great and happy effects proceed from proper encouragement being given by authority to any particular branch of trade. The commissioners and trustees appointed in Scotland, in consequence hereof, for the care of their trade, were so affected with his majesty's tender concern for their prosperity, that they bestowed their time and attendance upon the service of the public, without fee or reward. Their meetings were frequent and regular. Every *sedesunt* manifested, that their service was of great use and importance to their country, by contributing greatly to advance the improvement and extension of their fisheries and manufactures of every kind. Numberless letters were received by their secretary from every corner of their country, for the solution of doubts and questions, together with petitions and applications for encouragements of various kinds upon different branches of trade; also memorials and complaints of abuses, defects, slovenly and unprofitable practices in the management of many parts of their manufacture, and proposals of improvements, and of the most frugal and expeditious methods of carrying on several branches of trade to the best advantage. These the commissioners duly weighed, and gave full satisfaction thereto by regular answers, according to the best information they could possibly receive. And such have been the good effects of this correspondence, and zeal for the interest of trade since, that we may truly say, that the whole face of Scotland is changed. But, under the head of Scotland, we shall represent the general state of the trade of that part of the united kingdom.

ABHAL, a fruit of a ruddy colour, well known in the East, nearly about the bigness of that of the cypress, and gathered from a tree of the same species. It is held to be a powerful emmanagogue. *Dr. James's Dictionary.*

ABIT or ABOIT. Some use this word as expressive of *ceruse*.

ABLAB, a shrub of the height of a vine. It is said that it grows in Egypt, that it preserves its verdure both winter and summer, that it lasts a century, that its leaves and flowers resemble those of the Turkish bean, that its beans serve for food in Egypt, and a remedy against coughs and the retention of urine, &c. But we must wait till naturalists speak more clearly of this plant, to give credit to its properties.

ABLAQUE, a name which the French give to a silk of Persia, otherwise called the *ardassine*. This silk comes by the way of Smyrna, and is very beautiful; but as it will not bear hot water in the winding, there are few works in which it can be employed.

ABOU COUCHOU, a sort of woollen cloth manufactured in Languedoc, Provence, and Dauphiné in France, and sent to the Levant from Marseilles.

ABRA, a Polish coin, worth about $12d. \frac{1}{2}$ sterling. It is current in some districts of Germany; at Constantinople, where it is received for one fourth of an *asiani*;

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and at Astracan, Smyrna, and Cairo: it is valued on the footing of a Dutch dollar.

ABBREVIATIONS, are initial letters or characters, used by merchants, traders, bankers, and book-keepers, for abridging certain terms of trade, and making their writing shorter. The principal used by the French are as follow. We have set down their explanation in French, as better adapted than an English translation, to convey to the merchant a just and succinct idea of the *abreviation*.

C. signifie	Compte.
C. O.	Compte ouvert.
C. C.	Compte courant.
M. C.	Mon compte.
S. C.	Son compte.
L. C.	Leur compte.
N. C.	Notre compte.
A.	Accepté.
ACCEPTÉ S. P.	Accepté sous protest.
ACCEPTÉ S. P. C.	Accepté sous protest pour mettre à compte.
A. P.	à protester.
P.	Protesté ou payé.
TR ^e . ou TR ^s .	Traite ou Traités.
Rs.	Remises.
R.	Reçu.
P ^r . ^c	Pour cent.
N ^o .	Numero.
F ^o .	Folio ou page.
R ^o .	Recto.
V ^o .	Verso.
V.	Ecu de 60 sols ou de trois livres tournois.
W.	Ecu de 120 sols ou de six livres tournois.
FL. ou F ^s .	Florins.
R ^x . ou R ^{ix} .	Richedale, risdale, rixdale ou retchedale.
DAL. ou D ^{re} .	Daller ou daldre.
DUC. ou D ^o .	Ducat.
M. L.	Marc lubs.
L. ST.	Livres sterlings.
L. DE G. ou L. G.	Livres de gros.
£. ou £ ^s .	Livres tournois.
S. ou s ^s .	Sols tournois.
D. ou d.	Deniers tournois.
lb.	Livres de poids.
M. ou M ^c .	Mares.
ONC. ou ON.	Onces.
G.	Gros.
DEN.	Denier ou gros.
D ^o .	Dito.
℥.	Dit.

The traders and bankers of Holland have also their peculiar abbreviations. As all the merchandizes that are sold in Holland, and particularly at Amsterdam, are sold there by livres de gros, by rixdollars, by florins of gold, by florins, by sous de gros, by common sous, and by deniers de gros, in order to abridge all those monies of account, the following characters are used.

Livres de gros	Ld. & Lv. in French.
	LS. in Dutch.
Rixdollars	R.
Florins of gold	F. d'or in French.
	ss in Dutch.
Florins.	F.
Sous de gros	£.
Common sous	S in French & fl. X. in Dutch.
Deniers de gros	℥.

Abreviations for the weights.

Schippond, a weight of three hundred pounds.	Schip ^t .
Lispont, a weight of fifteen pounds.	L. p ^t .
Quintal, a weight of a hundred pounds.	C ^t . or $\frac{c}{2}$
The Pound of two marcs, or 16 ounces.	lb.
Steen, or stone, a weight of eight pounds.	Stz. See CHARACTER.

ABRIDGMENT, a summary, or contraction of a writing, &c. wherein the less material things being omitted, or more briefly mentioned, the whole is brought into a lesser compass.

ABROHANI, or **MALLEMOLLE**, the name of a certain muslin, or clear, white, fine cotton-cloth, brought from the East-Indies, and particularly from Bengal, being in length sixteen ells and three-quarters, and in breadth five-eighths. See **MUSLIN**.

ABROLHOS, or *aperi oculos*, dreadful rocks near the island of St. Barbara, within twenty leagues of the coast of Brazil.

ABROTANOIDES, a kind of coral, resembling the female *southernwood*, from whence it has its name. It is found, according to Clusius, who gave it this name, on rocks in the bottom of the sea.

ABROTANUM, male and female, a well-known plant by the name of *southernwood*.

ABRUS, a species of red bean, that grows in Egypt and the Indies. *Ray. Hist. Plant.*

The *abrus* is brought from both Indies. The seed which is used, is of two sorts, the one large as a great pea, ash-coloured and blackish; the other somewhat larger than the common one: both are of a deep red, and are recommended for inflammations of the eyes, in rheums, &c.

ABRUZZO, a province in the kingdom of Naples, in Italy. It is divided into two parts, the one called the *Farther Abruzzo*, the other the *Nigher Abruzzo*. The former of these is bounded on the north-west, by *Marca d'Ancona*; on the south-west, by *Sabina* and *Campagna di Roma*; on the south-east, by the *Nigher Abruzzo*; and on the north-east, by the *Adriatic-sea*.

This country is cold and mountainous, being crossed by the *Apennines*; yet is fertile in grain, fruits, and especially in saffron; and breeds great quantities of beasts, both wild and tame. It is healthy, pleasant, and well-inhabited; and the people are industrious, given to traffic, and some manufactures, particularly the woollen.

The *Nigher Abruzzo* is more mountainous and cold than the other, and yet is far from being so healthy as that. The rivers of it are the *Lenta*, *Foro*, *Moro*, *Feltrino*, *Sangro*, *Agnella*, and *Irigno*. The country watered by them produces great plenty of corn, rice, vines, fruit, and especially saffron; but here are many large woods, that shelter great number of wolves, bears, and other wild creatures, which oblige travellers to go always in troops, and well armed: this prevents improvements in trade.

Ortona al Mare, in this province, so called to distinguish it from *Ortona di Mani*, in the same province, is an ancient town belonging to the *Frintani*, and situate on the *Adriatic gulph*, between the rivers of *Foro* and *Moro*. It had formerly a convenient and safe harbour for shipping, but is now thinly inhabited, and little frequented, because the Venetians spoiled the haven. Whence we may observe, that, in places where there is no trade, they are hardly worth taking notice of.

ABSINTHIUM, *wormwood*. There are several species of this plant, but that generally used in medicine, is the *Absinthium vulgare offic.* of Parkinson, 98. *Absinthium vulgare majus*, of J. Bauhine, iii. 168. *Absinthium latifolium seu ponticum*, of Ger. 937. Tourn. Inst. 457. Boerh. Ind. A. 125. It grows in lanes by highways, and in waste places, and flowers in July. Its root is thick and woody, divided into several portions. In the summer it shoots out into several woody, strait, hoary stalks, two or three feet high, full of a white pith, and with several leaves growing on them; those towards the top are long, narrow, and very little indented, having among them long spikes of small, yellowish, naked flowers, many growing together, hanging down their heads, and including very small seeds. The leaves and flowers have a very bitter taste, and a strong smell.

The virtues of this herb, says Boerhaave, are immortal; for its juice cures all sorts of dropries, provided there be no rupture of the viscera. An extract of the green leaves is of singular service to such as labour under a languor. A conserve is also made of the tender tops of the leaves, which is called the Father of the stomach, and is of excellent use in the jaundice, cachexia, green-sickness, and where the stomach is clogged with phlegm and inactive bile, but of no service in a hot distemperature. An infusion of the leaves in wine, is good against

worms; but in general it is unfriendly to the nerves, as are the greater part of bitters.

From the black mafs remaining in the retort, and calcined by a reveratory fire, ashes are extracted, which yield by lixiviation a fixt salt purely alcaline. The comparison of other elements, and their quantity obtained from wormwood, demonstrate that the leaves have more subtil and volatile parts than the flowers and feeds; that they have, by far less acid salt and oil than the tops: whence it follows, that the leaves contain an ammoniacal salt, and a great deal of subtil oil; and that a tartarous salt, united with an ammoniacal salt, is met with in the tops; but it seems that its efficacy principally depends on its essential oil, which is bitter and aromatic; and though the same appears in the leaves and tops, yet it is more subtil, more diffused, and more volatile in the leaves, on account of its intimate union with the volatile salts.

ABUCCO, or **ABOCCO**, or **ABOCCHI**, a weight used in the kingdom of Pegu; it is equivalent to a pound and a half, and four ounces and a half, light weight of Venice. See **VENICE**, for its weights.

ABUKESB, the name given by the Arabs to the Dutch dollar, which is current among them. The lion struck on it is so ill represented, that it is easy to take it for a dog; and this is the reason of its being called *abukeß* by the Arabs, which signifies a *dog* in their language.

ABUTILON, the shrubby woolly Indian mallow, with a large spread flower, having a single cup. The most common sort of this plant grows plentifully in North America, where it is often used for the same purposes as the marsh-mallow is in Europe. The seeds are frequently brought from thence to England, and the plants thrive very well in the open air, and perfect their seeds, which if suffered to scatter, will produce young plants the following spring; but they are annual, and perish with the first frost in Autumn. There are not any species of this plant used in medicine, or for any other purpose in England, though many of them, which abound in the islands of America, as also in most parts of Asia and Africa, are frequently used by the inhabitants, as emollients; and, in some countries, the young plants are boiled and eaten as other salad herbs. *Miller*.

The Authors of the French Encyclopedie say, that the leaves and seeds of this plant are used. Its leaves applied to ulcers cleanse them. Its seeds provoke urine, and expel gravel. It is diuretic and vulnerary.

ABYSSINIA, a division of *Æthiopia* in *Africa*, has now little communication with the rest of the world, the Turks having possessed themselves of *Abyss*, which runs along the western coast of the *Red Sea*, and the rest of it being surrounded by mountains, or unpassable deserts. Within these it appears to be an exceeding fine country, diversified with woods and fruitful plains, well planted with palm-trees, dates, and cedars, and watered by several noble rivers. The river *Nile* runs in the midst of it, and having first taken a circuit almost round its source, runs 100 miles to the northward, and afterwards 200 miles towards the east; then turning to the south and south-east, continues its course 250 miles further. In this course it forms the lake of Dambea, of 120 miles extent. From thence it takes a semicircular sweep of 500 miles, and then turning directly north, enters the kingdom of *Egypt*. This winding course not only renders the soil extremely fertile, but is of great advantage to inland commerce; though after the *Nile's* entering *Egypt*, there are so many steep falls and cataracts, that the river is no longer properly navigable for the purposes of traffic. Being swelled by the rains which annually fall at a certain season between the tropics, it overflows all the lower grounds that border on it; and this is the case of all the rivers that rise within the tropics, though the ancients were at so great a loss to account for this periodical flood; and what encreases the flood still more, are the torrents that fall from the numerous hills with which this country is incumbered. The inhabitants, however, have this advantage from their hills, that they can remove thither in the hot season, and enjoy a cooler air than

than they do in *Egypt*, which lies several degrees north of *Abyssinia*. Their vallies, also, rendered fruitful by the annual rains and the numerous rivulets, produce plenty of corn, rice, wine, flax, sugar, and fruits proper for the climate. Their flax is esteemed the finest in the world; and from hence it is said, the Egyptians had theirs, of which they made the fine linnen of *Egypt* mentioned in the scripture; and had they, at this day, an opportunity of exporting the produce of their soil, this country alone, it is thought, might raise rice, sugar, and other commodities, sufficient to supply all the neighbouring countries. The Turks, who are masters of the coasts of the *Red Sea*, though they will suffer no other nation to trade to *Abyssinia*, annually export great quantities of rice from hence, particularly at the times of the great pilgrimages to *Mecca*, *Arabia* not affording provisions sufficient for their subsistence. Gold is also very plentiful here, of which the Turks get some; and had the *Abyssinians* an opportunity of bartering it for the merchandize of *Europe*, as great a plenty of it might be found in this country as any where, though none of the gold mines are wrought at present, but only those of silver and copper. Amongst other precious stones they have the largest emeralds in the world. Their cattle are camels, oxen, sheep, asses, all in great plenty, and very large; their wild beasts are such as are common to the rest of *Africa*; but what they are most famous for is an excellent breed of horses, equal to those of *Arabia*; or, as some conjecture, those of *Arabia* are, in reality, bred in *Abyssinia*, where they abound in rich pastures. As to the persons of the *Ethiopians* or *Abyssinians*, they are generally of a good stature; their complexion a deep black, but their features more agreeable than their southern neighbours, having neither flat noses, nor thick lips, like the other *Caffres*. The sovereign of this country was once absolute; but at present the great men set up for princes in their respective governments, and the king can transact nothing of any consequence without them. It was the king of this country, that the Europeans used to stile *Prester John*. The Portuguese, it is said, when they first discovered it, seeing a cross always carried before him, stiled him *Priest*, *Prebyter Maximus*. He took upon him the supreme ecclesiastical, as well as civil power; others say the Turks gave him the name of *Prester-Cham*, or *Cam*, that is, king of slaves, because they purchased most of their negro slaves in this country. The government appears now to be a republic, or rather a mixed monarchy, in which the prince's power is extremely limited by the great men. As to the common people, it is not very material whether the power be lodged in the king or lords, for they are slaves either to the one or the other. Their religion is a mixture of Christianity and Judaism; but they seem to adhere more to the Greek church than to the Latin. They keep both the Christian and the Jewish sabbath, and both baptise and circumcise their children, and even their females. They are said to have a great deal of vivacity and natural wit, to be of a teachable disposition, and fond of learning, though they have but few opportunities of improving themselves. The better sort of them are clothed in vests, made of silk stuffs or cotton, after the manner of the Franks in Turkey; but their poor people go almost naked, having only a small piece of skin, or coarse stuff, wrapped about their waists. They have no other bread than thin cakes baked upon the hearth as they want them: they eat all manner of flesh almost as the Europeans do, except swine's flesh, and such other meats as were prohibited to the Jews; they also abstain from things strangled, and from blood, killing their meat in the same manner as the Jews do. As to the poor people, they live chiefly upon milk, butter, cheese, roots, herbs, and what their flocks and herds produce. This is the country from whence, it is supposed, the queen of *Sheba* came to hear the wisdom of Solomon; and from whence the Eunuch, prime minister of queen *Candace*, came, who was converted to Christianity, and baptized by St. Philip. *Ethiopia* was then a mighty empire, subject to one sovereign, who commanded the sea-coast, as well as the inland country. When the Portuguese missionaries resorted to *Ethiopia* towards the latter end of the fifteenth century, they

brought over a great many of the *Ethiopians* to their religion, and persuaded the emperor not only to acknowledge the pope's supremacy, but to admit a patriarch amongst them, sent thither from *Rome*. The government also consented to abolish their ancient rites and ceremonies, and conform entirely to the ritual of the Latin church; but many of the nobility and governors of the provinces, with a majority of the common people, having the greatest abhorrence of these innovations, rose in arms against their emperor, which occasioned civil wars in *Ethiopia*, that lasted upwards of 100 years, wherein many thousands were killed. But the court, with the assistance of the Jesuits, European engineers, and some Portuguese troops, were generally victorious over those of the ancient religion, but could never subdue their obstinate perseverance in it; and several provinces revolted entirely from the emperor. However, the *Ethiopian* emperor continued still to profess the tenets of the Latin church, and to submit to the dictates of *Rome*; till at length the Jesuits, under pretence of maintaining the pope's ecclesiastical jurisdiction, took upon them to direct most of the secular affairs, treating the prince rather as a viceroy to the pope, than sovereign of the country; and having erected and garrisoned several forts, were sending for European forces to maintain their usurped power, when the emperor as well as the nobility, taking the alarm, agreed at once to abolish popery, and restore their ancient religion. The Romish priests were hereupon generally sacrificed to the fury of the people, and their patriarch very narrowly escaped out of the country with his life: and when afterwards three capuchins came as far as *Squaquena*, upon the *Red Sea*, from whence they sent letters to the emperor of *Ethiopia* to obtain leave to come into his territories again; that prince requested the Turkish *basia*, who commanded on the coast, to suffer no Franks to come that way into his territories, and to send him the heads of these Capuchins. This the *basia* not only obliged him in, but sent him their skins flayed off and stuffed, that he might know them to be Franks by their colour, and priests by their shaved crowns. Thus have the Romish missionaries procured themselves to be banished out of almost every country where they have planted their religion. They have indeed by their skill in medicine and mathematics, and an artful address, insinuated themselves into the courts of many great princes; but their ill advised advancing of the pope's supremacy to an extravagant height, together with their endeavours to controul the government in civil, as well as ecclesiastical matters, has ever occasioned their expulsion. Thus it was in *Japan*, where the emperor finding them encroaching upon his civil authority, ordered every christian in his dominions to be massacred, and that no christian should ever set foot on shore there again. This also has put a stop to their progress in *China*, and occasioned very severe persecutions of the Christians there. Still the Jesuits go on in their encroachments on princes where they have an opportunity; but the consequence must be, as we have lately found it verified by the conduct of the kings of Portugal and France, that they will at length procure their own extirpation by the general consent of Christian princes, as the Knights-Templars did by their insolence in the fourteenth century. There seems nothing more material to add in regard to the *Abyssinians*, but that the sons of the emperor succeed according to their seniority, as do those of the nobility, who have obtained an independency; but the rest of the people have no inheritance of their lands, nor can dispose of their estates or effects, but by the permission of the emperor, or their respective lords. The prince is entitled *Nogafsch* by his subjects, which in their language signifies, *king of kings*, and for this reason the Europeans give him the title of emperor. The Persians also give him the title of *Pat-sha*, the disposer of kingdoms, which is the highest title known in *Asia*, and equal to that of emperor in *Europe*. But every one of these princes, at his accession to the throne, assumes a particular title: one stiles himself the *Pillar of Faith*; another the *Virgin's Incense*; and another, the *Beloved of God*, sprung from the stock of *Judah*, the son of *David*, son of *Solomon*, &c. for they have a tradition, that their

princes are descended from Solomon by the queen of *Sheba*. The arms of the emperor are a lion rampant, holding a cross, with this motto, *Vicit Leo de Tribu Judab*. To sum up in a few words the principal articles this vast region of Africa produces for the purposes of commerce, they may be said to consist of gold, silver, copper, and iron: the other commodities are cardamoms, ginger, aloes, myrrh, cassia, civet, ebony, ivory, wax, honey, cotton, and linnens made of it of various colours; and we might add sugar, hemp, flax, and excellent wine, if these people (demi-barbarians) had the art to prepare and boil the canes juice, to cultivate the vines, and press the grapes, and to spin and weave their hemp and flax, as all these things grow with them in abundance, and of as good qualities, as in any other part of the world.

ACACIA, a tree with leguminous flowers, and leaves disposed commonly by pairs. The style runs out of the cup, and is enclosed by a fringed membrane; it becomes afterwards a flat pod that opens in two parts, and contains seeds in form of a kidney. *Tournefort. Inst. Rei Herb.*

ACACIA, *acacia nostras*, is that which is called the common *acacia* of America. It does not rise very high; its wood is hard and uneven, its leaves long and small, yielding little shade, and its branches full of thorns. In the spring it produces very agreeable flowers.

ACACIA, a thick, gummy juice, of a brown colour externally, and blackish, reddish, or yellowish internally; it is of a firm and hard consistence, melting or becoming soft in the mouth; of an austere astringent taste, but not disagreeable, and formed into small roundish masses, weighing four, six, or eight ounces, and wrapped up in thin bladders. It comes to us from Egypt. The best is that which is fresh, pure, neat, and easily dissolves in water. This juice is extracted from the unripe pods of a tree, called *acacia folio scorpioidis leguminosae*, C. B. P. The tree is large, and very branchy, and the branches armed with thorns; the roots spread on all sides, and the trunk is often a foot thick, and equals or even surpasses in height the other species of *acacia*. This tree is common at Great Cairo; the unripe pods, being sprinkled with water, are pounded, and the juice squeezed out, which is boiled to thicken it; afterwards it is made up into small masses. This juice analysed yields a small portion of acid salt, a very small quantity of alkaline salt, a great deal of astringent earth, and a great deal of oil either subtiler or gross. It is ranked among the incoarctant and repercussive astringents: it strengthens the stomach, makes vomiting to cease, stops hemorrhages and fluxes of the belly: it is given from half to one drachm, under the form of powder or bolus, or with some suitable liquor. The Egyptians prescribe it every morning for those that spit blood, to the amount of a drachm dissolved in some liquor. The juice of *acacia* is an ingredient in the theriaca, mithridate, the trochisks of Karabe, and the styptic linguent of Charas. It serves the curriers of Grand Cairo for blackening their leather. To this *true acacia* is often substituted the *acacia nostras*, the juice of which is more acid; it is extracted from the fresh and unripe berries of that plant, and has much the same properties as the *true acacia*.

ACACIA GERMANICA, or German *acacia*, is a counterfeited drug, made of the juice of sloes, or wild plums, which grow upon the black-thorn. The juice, being boiled into a solid consistence, is put into bladders, like the *true acacia*, which comes from Egypt. However, it is scarce possible to be mistaken in the choice of this drug, the *true acacia* being most commonly of a reddish tan-colour, and the German as black as Spanish liquorice. Lemery observes, that the alteration or difference of colour in the *true acacia*, may be owing to its being prepared from the ripe or unripe fruit. The ripe fruit yields a blackish juice, the unripe reddish or yellowish, and of a sweet scent.

ACADIA. See NOVA SCOTIA.

ACAJA, a tree of the height of the linden-tree, with rough, uneven bark, of an ash-colour, like that of elder; the leaves are soft to the touch, opposed to one another, four fingers breadth long, and one and a half, or two broad, of unequal bigness, shining, and traversed

in their length by a large rib. It bears yellow flowers, to which succeed plums like ours both in figure and size, yellow, acid, the stone ligneous, easily broken, and containing a kernel of a yellowish white. Its wood is red and light as cork. Its leaf is astringent; its plums are good in fevers and dysenteries; a wine is expressed from them; and its buds are pickled. *Ray. Hist. Plant.*

ACAJOU, is a kind of plant with a monopetalous flower, in form of a funnel, and with deep incisures. There proceeds from the cup a style surrounded with filaments, and adhering to the hinder part of the flower as a nail. This cup becomes afterwards a soft fruit, at the end of which is found a capsule in the shape of a kidney, which contains also a seed of the same form. *Tournefort. Inst. Rei Herb. Append.*

The *acajou* grows in all parts of Malabar, though it is originally from Brazil. A liquor is extracted from it that inebriates like wine. The kernel of its nut is eaten roasted; but the shell is so acrimonious, that it excoiates the gums, if the nut should happen to be cracked between the teeth. Dyers use the oil expressed from the nut in dying black. The inhabitants of Brazil reckon their age by these nuts, locking up one of them every year.

The *acajou* nuts should be chosen fresh, and of an olive colour. When incisions are made in the *acajou* tree, it emits a clear transparent gum, very like gum arabic.

The Chevalier des Marchais, in his *Voyage de Guinée*, Tom. iii. p. 266, says, That there are two kinds of *acajou*; the first is that to which the Spaniards have given the name of cedar, on account of the scent of its wood, though in reality it differs as much from the cedar, as the cedar does from the apple-tree. The second kind has retained, throughout all America, the name which the Indians of all nations have given it, with so little difference from each other, that it is plainly known to be the same in all their idioms. This tree is so common, that there are whole forests of it in Brazil and Guinea. The Portuguese have no remedy more sure for curing their negroes of a pain in the stomach, which is a kind of dropsy, than to leave them to themselves in places abounding with these trees. Hunger pressing these poor wretches, and they not finding any other food but the fruit of *acajou*, they glut themselves with it; and the fruit soon cutting the noxious humours, that occasion the distemper, these dropical slaves, who were scarce able to stir, are seen in a short time running like stags, and in a surprising state of health.

The nut which the fruit bears at its extremity contains in the shell an oil, the more sharp and biting, the less ripe it is. This oil is, however, of wonderful use in drying up and cleansing the oldest ulcers, and all other diseases of the skin; and also for killing those dangerous insects that get under the toe nails, and into the wrinkles of the skin, where they occasion ulcers that are frequently incurable. The Portuguese call them *bichos*, the Spaniards *inguas*, and the French *chiques*.

In proportion as the fruit ripens, the sharpness of the oil decreases; but there always remains more than enough to make the tongue and gums of those smart, who are so imprudent as to crack the nuts with their teeth.

There is no occasion to extract this oil in the country where the fruit grows, in order to bring it to Europe; it being sufficient to send the nuts thither. Though never so stale, they always retain oil enough. In order to extract it, they must be split, and its pieces laid upon burning charcoal. The oil, which is contained between the two coats of the shell, comes out as soon as it feels the fire, and being collected with a little cotton, is applied to the uses as above-mentioned. The kernel contained in this shell is white, solid, delicate, and of a better taste than the best almonds, and is much like that in the stone of a pine apple. These nuts are eaten raw when fresh gathered, after having been steeped for a short time in water, with a little salt. Many like them better roasted. In order to this, the shell is a little broken, and being laid for a moment on the coals, it will open of itself; the kernel taken out, and a little brown skin that covers it being peeled off, it is then of a delicious taste. These nuts will keep many years, and scarce lose

any thing of their goodness. The Indians set so great a value upon the fruit of the *acajou*, and the nut which adheres to it, that they often make war with each other for the crop of this fruit; which in Guinea is ripe in the months of December, January, and February.

This fruit is of the form of an apple. The skin is thin and smooth, of a fine red on the side next to the sun, and of a gold colour on the opposite side. Their smell is sweet, agreeable, and comforting. Their substance is entirely spongy, and full of an exceeding tart and styptic liquor, before the fruit is ripe; but sweet, pleasant, and wholesome, when it has attained its maturity. They refresh and exhilarate; and, though they are a little binding, yet they wonderfully provoke urine.

They make a tart and pleasant wine of it, which is heady, kept two or three days, after which it turns into a very sharp vinegar. People of skill might make a wine of it, that would keep longer: some have caused the juice of the *acajou* fruit to be distilled, which has produced a very strong spirit.

This tree, during the great heats, emits lumps of gum, of an amber colour, hard and friable, or apt to crumble. The Indians dissolve it in water, and give it with success to women troubled with hysterical disorders, or other uterine maladies. This gum has little or no scent.

ACANTHUS, BRANK URSINE, or BEARS-BREECH. Doctor Linnæus mentions but two species of this genus, which are European plants; these are the smooth and prickly bears-breech. The essential characters are the same in both, the difference between the two species being in their leaves, the prickly being much more jagged, and the incisions of the leaves being terminated by spines; whereas those of the other sort have fewer cuts, which are obtuse, and have no spines on them. The smooth sort is that which is directed by the college of physicians to be used in medicine; but it is now rarely prescribed, for the herb-women generally supplied the markets with either the helleborafter, or sphondylium, instead of this plant; so that when it was ordered, the right plant was very seldom used; which may have occasioned the leaving of it out of practice. The Germans in general substitute the sphondylium or cowparsnep for this, which is by most of their writers intitled *Branca Ursina*; by which name it is mentioned in all their Dispensaries. The leaves of this sort are a foot and half long, about nine inches broad, arising with a foot-stalk immediately from the root; between the leaves arise the flower-stems, which are commonly three feet high, and garnished with flowers from near the ground to their top. These plants begin to flower the end of May, and continue till the latter end of August; the flowers at the bottom of the spike appearing first, so that on the same spike there is often a continuation of flowers near two months.

It is generally supposed, that the foliage on the capitals of the Corinthian pillar is taken from the smooth sort of *acanthus*; but by those figures which we see represented in books of architecture, they have a much nearer resemblance to the *Brank Ursine* with fewer and shorter prickles, described by Tournefort, *Inst. Rei Herb.* And as this sort grows naturally in many places in Italy, and also in the islands of the Archipelago, so we may suppose that this may be the plant from which they composed the capitals of the pillars of that order of architecture, especially as it is much more common in those countries.

The newly gathered leaves of this plant have yielded, in the analysis made of them, phlegm without smell or taste, but charged with a small quantity of pungent salt, which disturbed the solution of Saturn; a liquor first bordering upon acid, which became so manifestly afterwards, and which was even somewhat alkaline; a reddish empyreumatic liquor, slightly acid, but abounding with an alkaline urinous salt, and a great deal of volatile salt; oil, both fluid and thick. The black mass remaining in the retort calcined by a reverberatory fire, yielded whitish ashes, whence by lixiviation a purely alkaline salt was extracted. From this analysis the relative quantity of the things extracted, and the viscosity of the plant, it follows that it contains a great deal of salt am-

moniac, and a little oil obvolved in a great deal of phlegm. No part of this plant is used but its leaves, in clysters, fomentations, and cataplasms.

ACAPULCO, a city and port town of America in Mexico, on the South-sea, long. 276. lat. 17. This is the western port to the city of Mexico, as Vera Cruz is the northern; and the principal places of its trade, are Peru, the Philippines, and the coasts nearest to Mexico. The merchants of *Acapulco* send their goods on light vessels to the latter, for extracting provisions and refreshments, though they receive large parcels by land on mules, particularly flour, chocolate, small cheese, salt meat, and all sorts of such provisions, for which they have daily a market; and the cattle they want comes the same way. The inhabitants of this city make but little use of the trade between the northern and southern America, though open and free, their commerce being only extended to the places on the coast; so that what is transacted between this and the Manillas, is what gives it reputation, and which is carried on, in only two ships of 800 or 1000 tons each; whereof one is always in loading at the Philippines, and sails on its return, as soon as its twin vessel arrives, a convoy being assigned them, of a twenty-eight gun ship, and they mounting forty each. Their cargo from *Acapulco* consists partly of European merchandize, brought to Mexico from La Vera Cruz, and partly of the products of New Spain, both sent to the South-sea on mules. The reloading is composed of whatsoever Asia produces, that is either rich or valuable, even pearls, precious stones, and gold dust, with which these ships are so fully stowed, as to render their between-deck-guns unserviceable, in case of an attack. *Lex Mercatoria.*

It is a great, though general mistake, that the Spaniards employ but two ships to Manilla, one of which goes and one returns every year; for they send out two ships or galleons, and receive back two every year. Sometimes indeed it happens that they come not back till two years, but that is extraordinary, and by accident. The burthen or cargo these ships carry is very great; the ordinary loading, besides their guns and stores, being 1000 or 1100 ton each; and they had one many years which carried 1600 ton.

Those Manilla ships are always full laden outwards with European goods, besides the silver, and bring back likewise a full loading of all sorts of East-India and China goods; and all these goods, both out and home, except what are sent southward to Panama and Lima, are carried by land-carriage from and to Mexico, which is about 240 miles: and these goods by computation, besides what may go to Lima and that way, cannot be less than 4000 ton in weight, that is, 2000 ton one way, and 2000 ton the other. And this encreases the trade of the country in the employment of people, horses, mules, and carriages.

The *Acapulco* ships carry all sorts of European goods from America, and with them furnish the Spaniards at Manilla chiefly, and the Indians of the Philippine islands in general, whom the Spaniards have taught to go clothed after the Spanish manner, with all kind of European manufactures: some of these are also sold to the Maylayans, and the Indians of all the coasts and islands contiguous; but much more considerable in value are the utensils, weapons, fire-arms, workmen's tools, and all heavy goods made of iron and brass, which are brought from *Acapulco*, and vended amongst all those Indians to great advantage. Unwrought iron, or iron in bars, is also brought from old Spain to *Acapulco*, and carried from thence to Manilla; where the Chinese and Japanese, who are the best cutlers in India, and make all manner of utensils, purchase large quantities of iron and brass of the Spaniards. Both Chinese and Japanese are pretty curious workers in most kind of hard-ware in gold and silver: they are good founders, turners, goldsmiths, and locksmiths; but not good gunsmiths, nor sword-blade makers.

However, being very dextrous in their way, and having great variety of materials by the Spanish ships from *Acapulco*, this occasions a numerous resort of traders at Manilla, from whence they disperse their goods to the other Indian islands, and trade with their respective countries

trics and countrymen, even in the European factories; as in Borneo in particular, and to Sumatra and Malacca, where some of those European goods are vended amongst the natives.

But as for the manufactures of woollen, linen, or silk, they are of small use, except to the Spaniards themselves; the Chinese and Japanese supplying themselves with cotton manufactures of all kinds, such as muslins, calicoes, &c. Yet the Spaniards find several things brought by the *Acapulco* ships, with which the natives of those countries are greatly taken, and for which they get in return the product of their countries, which being of very little value there, and of great value in America, the traffic is by so much the easier; as particularly beads, toys, looking-glasses, pins, needles, and all kinds of small wares of iron, steel, pewter, and brass; with variety of glass-ware, which is particularly valued by the Indians in general. In return, the product of the place is of itself rich, and of infinite value among the Spaniards; as especially their precious perfumes, which being originals, and the produce of mere nature, are extremely dear when they come to New Spain, as ambergrease, civet, bezoar, &c. Nor does any nation in Europe or America use more than the Spaniards, both men and women, particularly in the hot climates of Mexico and Peru. Besides these, they have several other valuable products, which never lose or lessen their price, amongst Christian nations, although they may have the same things amongst themselves; as particularly, 1. Very large pearls of a good colour, which the Spaniards tell us are the best in the East, the oriental pearl being found on the coast of India, in the mouth of the Persian gulph, and at Ormus, and parts adjacent in the Persian gulph; and reputed much finer and fairer than any of the Batavian or Borneo pearls, or most others. 2. They have also gold, which is found in almost its utmost purity, and of the most perfect quality, in the rivers, as in other countries, and in some mountains: they send about the value of 50000 doubloons a year to New Spain in this metal only. How it may agree with the account some give us, that this country costs the king of Spain 250000 pieces of eight a year to support it, more than the produce, is not easily reconcilable: we are rather of opinion, that they supply the treasury of Spain with those 50000 doubloons in gold every year, as the product of this government; for if it were otherwise, how should the governors, who live in such state and pomp, not to be equalled by some sovereign princes, lay up such immense sums in the eight years of their government, (for so long they continue at the Philippines) and appear so rich in Europe as it is said they do? For we are told that they generally return back to Europe, or to *Acapulco*, with a treasure of two millions of pieces of eight, or more.

They have also great plenty of honey and wax; both which, but especially the latter, is very valuable in Spanish America, and is carried thither yearly in large quantities. They have valuable drugs and gums of divers kinds, which the Spanish padres, who are generally physicians, collect and send to their particular societies in America, and they again to Europe: so that they are a kind of merchandize peculiar to themselves. Of these they name several, which are in great estimation, as the cassia, aloes, gum arabic, sago, camphire, and several others, with medicinal herbs, of which they have no small variety.

The articles are very considerable that enable the Spaniards to make so rich a return to America by their *Acapulco* ships. They have the richest spices of the East, drugs, diamonds, and gold, muslins, calicoes, China taffeties, rich attases, and several other sorts of the richest wrought silks, China ware, and tea, fine lacquered ware, cabinet work, tables, screens, umbrellas, and other niceties of the country. Thus the Philippines, by the course of their neighbouring trade, are furnished with stores of merchandize for making their return to *Acapulco*, and that in a manner fully to the satisfaction of the Spaniards, who usually make a profit of four for one in all the goods they send from *Acapulco* to Manilla.

It may be wondered why the Spaniards so strictly confine themselves to the sending of no more than two ships a year on this trade; nor can we easily suggest the rea-

son for it: however, the merchants make themselves amends another way, for they build those ships so vastly large, that they ordinarily carry from ten to twelve, or fourteen hundred ton burden. So that though it is making a great adventure in one bottom, yet as those seas are generally very safe and pacific, they can afford the freight the cheaper in proportion: and on the other hand, as these large ships are built prodigious strong, they are able to bear the sea with the greatest steadiness, if navigated by able seamen.

Above all, they are the more secure against pirates and rovers, who cannot easily hurt them, and dare not, as the seamen term it, lay by their side; for they have all three decks, and carry large guns of twenty-four to thirty pound ball, which the smaller ships cannot bear the shot of: on the other hand, the smaller ships can hardly, except by fire only, any way hurt these great ships, and to hurt them does not answer the pirates end. When Rogers and Cook attacked the *Acapulco*, or Manilla ships, they took a ship of about 4 or 500 ton; but when they came to attack the great carrac, a ship of 1200 ton, they could make nothing of her; every shot they received made them tremble, and stand off to stop the leak: whereas, the shot they made at the carrac stuck in her sides, but could not go through; and when they thought to board her, she boomed them off with great pieces thrust out by the multitude of her hands; for she had, passengers included, above 800 men on board; and when they found she began to open her lower tier of ports, and put out guns, which were thirty-six pounders at least, they durst not come near her any more, though there were three ships to one.

Thus, in case of a war, or of rovers and pirates, the Spaniards seem to judge right in sending great ships as the most secure (though the late Lord Anson took one of those *Acapulco* ships,) and their main end is answered hereby also; for two ships at this rate carry as many goods as twelve ships or more of 200 tons each would do; and it appears, the goods they bring amount to a very great quantity, and are of exceeding great value: for at their arrival they occasion a fair at *Acapulco*, as great in proportion as the fair at Porto-Bello, when the galleons from New Spain arrive there; and the merchants repair to *Acapulco* from Mexico, Lima, Cusco, and all the capital trading places of Peru, and even from Chili itself, to buy the rich goods they bring. This fair sometimes continues thirty days; and it is not one or two, nor ten or twenty ships only, that attend to carry off the goods, besides the great quantities that are carried upon mules and other beasts by land. So that during the fair, which is always proclaimed and appointed on that occasion, the town of *Acapulco*, which at other times is empty, and only inhabited by a few fishermen and mean people, is for that time so full, that it is scarce able to receive them, much less to entertain the number of people.

ACAPULTI or *ACAPALTI*, a plant of New Spain or Mexico, that bears the long pepper. Its trunk grows winding like that of the vine, and has leaves upon it like those of white pepper, but longer and more pointed, of a very strong scent, and a hot and pungent taste. The fruit is round, and from two to three inches long, of a pretty red colour, when near maturity, which it can never attain entirely on the plant; so that it is necessary to gather it, as soon as it begins to redden, in order to complete its ripening in the sun. This pepper is eaten either green or dried, and both ways gives a very high relish to meat, provided, that after seasoning therewith, it be not put again to the fire, in which case it loses part of its taste and strength.

ACARA, or *ACARO*, a territory and town of the kingdom of *Acambou*, on the coast of *Guinea in Africa*, long. 18. lat. 5. 40. Here the English, Dutch, and Danes, have each a considerable fort, which renders them masters both of the gold and negroe trade, and therefore obliges the French to deal with Lampi, Juda and Ardres, even when at war with these nations; the last of which borders on the kingdom of Boneri. Before Moure and Cormanteri had attracted the greatest part of the business transacted on the gold coast, the village of *Little Acara*, situated at the end of it, was the place where

where most of the European merchandizes found dispatch. This village alone furnished a third of all the gold that the Europeans traded for on this coast; and the negro trade is still pretty good here, as between three and four hundred may annually be purchased on reasonable terms. The commerce of Lampi and Juda, a small district or kingdom between Acara and Ardra, is not inconsiderable, especially for the purchase of negroes. In the years 1706 and 1707, the French Assiento company bought here two hundred and fifty each voyage, in truck for European goods from forty-five to fifty French livres per head, though in the kingdom of Ardres, from whence near three thousand slaves may be annually extracted, they cost about eighty ditto, and these with provisions, are the only articles of commerce in this kingdom for exports: the goods esteemed most here for truck, are the biggest glass beads; large crystal pendants, large gilt cutlasses; coloured taffeties; silk stuffs striped and spotted; fine linen; laces; fine handkerchiefs; buttons; iron bars; a fine thin woollen stuff called bouge; copper; cylindrical and pyramidal bells; long coral; copper basons of various fizes; muskets; brandy; large umbrellas; gilt looking-glasses; China taffeties, and other silks from that part; gold and silver dust; English and Dutch crowns.

ACARICABA, a plant of Brazil, whose aromatic roots may be reckoned amongst the best aperitives. It is used in obstructions of the spleen and kidneys. Physicians consider the juice of its leaves as an antidote and as a vomitive. This article may have two faults, that of saying too much of the properties of the plant, and of not saying enough of its characters.

To ACCÉDE to a contract or treaty, is to give one's consent to a contract or treaty already concluded and stipulated between two other persons, or a greater number. In this sense it is said, the States General have *acceded* to the treaty of Hanover; the Czarina has *acceded* to the treaty of Vienna. See TREATY.

ACCEPTANCE, a term in the traffic of inland and foreign bills of exchange.

The *acceptance* of a bill of exchange, is the subscribing, signing, and making a person debtor for the sum of its contents; by obliging him, in his own name, to discharge it at the time mentioned therein.

The *acceptance* is usually made by the person upon whom the bill is drawn, when it is presented to him by the bearer.

Bills payable at sight are not accepted, because they must be paid on being presented, or else protested for want of payment. There are some *acceptances* that need not be dated, and others that it is necessary to date.

The *acceptances* which need not be dated, are those upon bills payable at a day fixed, at usance, or double usance, &c. Upon these the word accepted ought only to be wrote, and the acceptor's name; dating being of no use in them, because they are always to run to the day mentioned for their payment. And the time for the bills at usance, double usance, &c. begins from the day of the date of the bills themselves.

It is not absolutely necessary to have bills of a fixed day, at usance, double usance, &c. accepted, because their time is always running: it is, however, an advantage to the bearer to have them accepted, because, by virtue of the *acceptance*, he has the security of two instead of one, the acceptor and the drawer.

If the person upon whom a bill is drawn, at a day fixed, or single or double usance, &c. should make difficulties to accept it, the bearer has a right to have it protested, for want of *acceptance*, and to return it to the drawer, in order to oblige him, either to cause it to be accepted, or to give security (in case it should not be paid, when due, by the person upon whom it was drawn) to return and restore the sum mentioned in it, with the difference of exchange, re-exchange, and the charges of the protest.

The *acceptances*, which it is necessary to date, are those drawn at a certain number of days sight, because the time does not begin to run till the next day after that of *acceptance*. This kind of *acceptance* is made thus, "accepted such a day and year," and signed. If the bearer of a bill of exchange consents to an *acceptance* at twenty-one days

sight, for instance, instead of eight days expressed in the bill, he runs the risque of the twelve days of prolongation, in case the acceptor happens to break in that time; and the bill remains to his account, without any recourse against the drawer. If a bill was drawn for three thousand pounds, and the bearer should think fit to take an *acceptance* for two thousand only, and should receive no more than that sum, the remaining thousand would be at his own hazard, as well as in the case of prolongation of time.

These examples may be sufficient for *acceptances* of this kind. It is, however, not amiss to observe, that if the bearer of a bill should have written orders from the drawer, to have the same accepted in either of the manners as above, in such case, the bearer would have undoubtedly a right against the drawer, for an indemnification.

In general, he to whom a bill is made payable, at the time should demand *acceptance* thereof, both for his own and the drawer's security, and, on refusal of *acceptance*, to return it with protest.

The address of a bill of exchange is the directions signifying by whom, and where the payment shall be made when due, and to whom the possessor may apply, in case the party, who is to accept or pay, be not in the way.

He that has the bill may demand *acceptance* of the person the bill is addressed to; and, in case that person has no order or power to accept the same, the possessor may desire such person, if to be trusted, to send such bill to procure *acceptance*, or to return it with protest. This the person to whom the bill is addressed is obliged to do, otherwise the possessor may, before the said person, make protest for non-*acceptance*. If the possessor cannot safely trust the person to whom the bill is addressed, to procure *acceptance*; or if the drawer has not addressed the bill at all, the possessor must cause the bill to be sent to somebody, in whom he can confide, that lives at the place where the person resides on whom it is drawn, to demand *acceptance*, and, upon refusal, to protest.

When the remitter or possessor has no correspondent to send the bill to, who lives where the acceptant does, it is common to desire the drawer to send the prima bill, to procure *acceptance*, and return it accepted to the remitter or possessor. The drawer is not obliged to do this, yet he cannot well refuse it, if he be assured of the honesty of his correspondent, and that he will accept his bill.

In case the drawer does not in convenient time return the bill accepted to the remitter, the drawer is not obliged to give further satisfaction to the remitter, but the remitter must look to it himself, and send a second bill to some other, to procure *acceptance*, and to enquire whether the prima be accepted, or not; if not, the acceptant must accept the second bill, or a protest must be made for non-*acceptance*.

A cautious remitter will not leave a prima bill in the drawer's hands to procure *acceptance*, unless he is well assured of his worth and integrity.

When the possessor of such bill has no correspondent at the place where the acceptant lives, nor dare trust the drawer with it, it is usual for the possessor to advise the acceptant by letter that he has such a bill on him, and desire him to return answer, whether he accepts the same, to pay it at the time, or no: if he returns answer that he will not accept, nor pay it, or if he gives no answer at all, the possessor is obliged to carry or send the bill to that place, and there formally, by a notary-public, to demand *acceptance*; and, in case of refusal, to protest.

If the acceptant be an out-dweller from the place where the bill is to be paid, it is usual, when *acceptance* is demanded, to desire the acceptor to underwrite to whom he must apply for payment, when due.

When a bill is payable to order, by an out-dweller, and not to a certain person, and the acceptor has not ordered to whom the last party it is assigned to, shall address for payment when due, the possessor is obliged to give the acceptor timely notice to whom the bill must be paid, that the acceptor may, within the respite days, return an answer, and take care of the payment.

If the out-dweller remits, at the time appointed, to the possessor of his accepted bill, in other bills due at the same

same time with his bill, the possessor is not obliged to demand *acceptance*, and to get these bills paid, without provision allowed him. But when the acceptor directs him to any particular person for payment, the possessor is obliged to go to such party to receive his money, without provision.

An out-dweller having a bill remitted to him payable by an in-dweller, and the out-dweller desiring his acceptor at the day to send his money in specie, or to remit him the value in other bills, the in-dweller is not obliged to do this without allowance of provision.

If the possessor of a bill payable by an out-dweller does not get his money in time, he must order a public notary to protest for non-payment, which protest, though not made in the presence of the person, nor at the house of the acceptor, is valid, because the possessor of the bill is not obliged to protest against an out-dweller at his house or dwelling, nor to seek him out of the town where the payment is to be made.

If an out-dweller refuses *acceptance* when a bill is sent him, a protest may be made either at the house of the out-dweller by the possessor, or else at the place of payment. A letter from the person that demands *acceptance*, being produced to a notary, is sufficient to ground a protest upon, as also in case of non-payment.

Although the possessor is not obliged to seek payment of an out-dweller in any other place but where the bill is payable, and the drawer or acceptor hath addressed; yet, in case of non-payment, the acceptor or his effects are liable in any place where either can be found.

Should an acceptor of a bill of exchange fail or become insolvent after he has accepted a bill, the drawer of the bill will be obliged to pay the same, with re-exchange, provision, and charges to the possessor.

When the person, on whom a bill is drawn, understands that the drawer has failed before *acceptance* is demanded, he need not accept such drawer's bills, notwithstanding he may have promised to honour such bills, without indemnification from all and every one that shall make any demand thereof, whether it be the drawer, his creditors, trustees, or his principals, for whose account the draught was made, &c. &c.

Nor ought any one, on whom bills are drawn, accept them from an insolvent drawer, though the bill is dated before the insolvency is known, and the letter of advice bears the same date, whether it comes by the common post or not; because there is reason to suspect some fraud, and that both the bill and letter were antedated.

If A draws on B on account of C, and B before *acceptance* has advice that A has failed, B should not accept such draught, though he promised A he would; because C is not obliged to make good the value to B. And more especially so, if C advises B of A's failure, or on any suspicion hath forbid B's *acceptance* for his account, altho' he had ordered the *acceptance* thereof before.

On failure of a drawer, the acceptor is not obliged to give better security for payment; but the possessor must wait till the day of payment, before he can demand any thing of the acceptor; and then the acceptor is obliged to pay, though he accepted for the drawer's account, and has no effects of his in hand.

If an acceptor refuses payment of a bill, on failure of the drawer, the possessor is not obliged to return the bill and protest, to the place from whence it is drawn; it being apparent, that the charges of re-exchange cannot be recovered of the insolvent drawer. The possessor therefore must without delay, after a protest is made, proceed by attachment: for a difference in conduct is required when the drawer maintains his credit, and when he has failed.

When an acceptor fails or absents himself, the possessor is obliged to get a protest made by a public notary, and send the same, with the bill, to the remitter, to procure satisfaction from the drawer; and advice should be given directly to the first remitter, and not to the last indorser only, that the drawer may, if he pleases, order some other to honour his bill, and prevent loss by the re-exchange, &c.

Though a possessor through ignorance of custom, or of the acceptant's failure, or by reason the bill did not come to hand till after due, or for any other cause of the

like nature, does not, or cannot make protest, by a public notary; yet this will not hinder the possessor's redressing himself on the drawer and indorser, though the acceptor failed before the bill became due.

When an acceptor fails before the day of payment, if the bill be payable to order, the possessor must not get a protest made, and send it to the first remitter, but keep the bill till it falls due, that if the drawer orders any other to honour his bill in time, the possessor may be ready to receive the value.

If any other offer to accept and honour a bill, whose first acceptor is failed, in favour of the drawer, or any other indorser, the possessor is not obliged to accept such offer, if he disapproves the offerer; but if the offerer is a sufficient man, or will give security, the possessor cannot refuse such an offer.

It is not safe to accept a bill, whose first acceptor has failed, without a protest for non-payment, declaring the bad circumstances of the acceptor; and such an acceptant, in honour, must presently send the said protest, together with the notary's attestation of his accepting the same in honour, to the drawer, or to him for whose account he has accepted the same. *Acceptance* after the day of payment past is usual and good. L. Raymond 364, 574. So *acceptance* for the honour of the drawer. Idem 575.

Where a merchant hath accepted, and, before the same became due, becomes insolvent, or at least his credit publicly blasted, a protest ought to go; but then there is usually a demand made, which once coming, the drawer is compellable to give better security; and if a second bill comes, if no protest, then drawer and security lie at stake.

If a bill be accepted, and the party dies, yet there must be a demand made of the executors or administrators; and, in default or delay of payment, a protest must be made; and although it may fall out, that the monies may become due before there can be administration, or the probate of the will be granted; yet that is delay sufficient for a protest, in case of non-payment.

N. B. Fourteen days are allowed from the death, before administration can be committed, unless there be a will.

But, on the other hand, if the party be dead to whom the monies are made payable, and the monies are ready to be paid, and there is no person that can legally give a discharge, yet a protest ought not to go for non-payment; the reason is, because there is no person that hath any authority either in deed or in law to make it, and a notary ought not to make it: if he does, and the party receives any prejudice thereby, an action of the case perhaps may lie against him for his pains: nor does it avail, that if the security be offered to save him harmless against the executors or administrators, for that is an act left to his own discretion; for perhaps the security may not be liked: but whether good or bad, makes nothing as to oblige him in law.

N. B. An intimation ought to go, and that the acceptor is willing to pay according to order.

If a bill of exchange be tendered, and the party subscribes accepted, or accepted by me, A. B. or being in the Exchange, says, I accept the bill, and will pay it according to the contents, this amounts, without all controversy, to an *acceptance*.

A small matter amounts to an *acceptance*, so there be a right understanding between the parties; as, "Leave your bill with me, and I will accept it," or, "Call for it to-morrow, and it shall be accepted." This obliges as effectually, by custom of merchants, and according to law, as if the party had actually subscribed or signed it, (which is usually done.)

But if a man shall say, "Leave your bill with me, I will look over my accounts and books between the drawer and me, and call to-morrow, and accordingly the bill shall be accepted;" this shall not amount to a complete *acceptance*; for this mention of his books and accounts was really intended to see if there were effects in his hands to answer, without which perhaps he would not accept the same; and so it was ruled by Lord Chief Justice Hale at Guildhall.

Where a bill of exchange is payable to A's order, that is, to himself if he makes no order, and if the

party underwrites the bill, viz. "presented such a day," or only the day of the month, it is such an acknowledgment of the bill as amounts to an acceptance; per *Holt*, Ch. J. and this by the jurors was declared to be common practice.

Acceptance by one partner binds both, unless accepted distinctly from the partnership.

Acceptance of a bill upon two by one partner, binds both, if it concerns the joint trade; but otherwise, if it concerns the acceptor only in a distinct interest and respect. *Pinkney v. Hall*.

Acceptance may be qualified.

A bill drawn by A on B, and B accepts it by indorsement thus, (I do accept this bill to be paid half in money, and half in bills) it was alledged that B's writing on the bill was sufficient to charge him with the whole sum; but it was proved by divers merchants, that the custom among them was quite otherwise, and that there might be a qualification of an acceptance; for he that may refuse the bill totally, may refuse it in part; but he to whom the bill is due may refuse such acceptance, and protest it, so as to charge the first drawer; and though there be an acceptance, yet after that he has the same liberty of charging the first drawer, as he had before. *Petit v. Benson*.

There may be a partial acceptance of a foreign bill.

Action upon the case, upon the custom of merchants, brought by a person to whom a foreign bill of exchange is made payable, against the acceptor. And the defendant sets forth, that one *James Collet*, being a merchant residing at *Christiana in Norway*, according to the custom of merchants, drew his first bill of exchange upon the defendant, requesting him to pay the plaintiff such first bill (his second not being paid) of one hundred and twenty-seven pounds, fifteen shillings and four-pence, which bill was afterwards, viz. December 1717, shewn to the defendant, who accepted to pay one hundred pounds, part thereof, upon the 8th day of February following, by virtue whereof he became chargeable, *et in consideratione inde die et anno ultimo supradictis super se assumpsit*, to pay the same on the said 8th day of Feb. tunc. prox. sequentem, which he has not done according to his undertaking. There is likewise a count for monies had and received, and an *infirmul computassent*. The defendant, as to these two counts, pleads *non assumpsit*, and as to the count upon the bill, he pleads, that the said *James Collet* drew another bill for one hundred pounds only, wherein he countermands the payment of the odd twenty-seven pounds, eighteen shillings, and four-pence, by virtue whereof the defendant paid the hundred pounds in satisfaction of the first bill, and the plaintiff accordingly received it in satisfaction. The plaintiff, *protestando*, that the defendant did not pay it in satisfaction, for plea faith, that he never received it in satisfaction; and to this replication defendant demurs.

Strange, pro defendente. I shall not trouble the court with an exception which has formerly been taken to these replications, that the payment in satisfaction being admitted, the traverse of the acceptance is immaterial; for I am sensible it has been adjudged to be well enough in the case of *Young v. Ruddle*, and of *Harvshaw v. Rowlings*, in this court, *Hill*. 3d of his late majesty, upon this ground, that there can be no payment in satisfaction, without an acceptance in satisfaction; and therefore a traverse of the acceptance is an argumentative denial of the payment; for if the plaintiff did not accept it in satisfaction, the consequence of that is, that it was not paid in satisfaction.

Laying therefore the plea and replication aside, I shall take up the case as it stands upon the declaration, and upon that offer some things distinctly, both as to the matter, and as to the manner of it.

As to the matter of it, the case is no more than this: the person to whom a foreign bill of exchange is made payable, brings his action against the drawer, upon a partial acceptance for so much of it as he undertook to pay, and counts upon the custom of merchants.

The single point which will arise upon this case is, whether a partial acceptance be good or not within the custom of merchants? and I shall endeavour to prove, that this acceptance is a void acceptance, and consequently the plaintiff has no cause of action.

That I may not be misunderstood when I call this a void acceptance, I would premise, that I do not mean, it is so absolutely void as to exclude any remedy against the acceptor, for I must admit, that this acceptance will create a contract between the parties, upon which an action upon the case would have laid. But what I shall insist upon is, that this is a void acceptance within the custom of merchants, upon which the plaintiff has founded his case; and if it be void within the custom of merchants, then, whatever effect it would have as a private contract between the parties, will be a matter foreign to the present question, inasmuch as the plaintiff has not relied on it as such, but has brought his action upon the custom.

I have enquired into the practice of merchants in this case, but have not been able to get any certain account of this matter. The true reason of which I apprehend to be, that it is a case which seldom or never happens amongst merchants, for they honour one another's bills, though there are no effects of the drawer's in their hands; and they would esteem it the greatest blemish that could be cast upon them, if their correspondent should once refuse to answer their bills, any further than he had effects in his hands.

What account I have received I shall submit to the court. Some are of opinion, that an acceptance for part is an acceptance for the whole, inasmuch as it deprives the party of the benefit of protesting, and for resorting back to the drawer; but I apprehend there is no reason at all for this. To say that because commonly a man does honour another's bill beyond what effects he has in his hands, that therefore he must do it, is a strange conclusion; for suppose he has but twenty pounds of the drawer's in his hands, and is bound to answer a bill for so much, it would be highly unreasonable, that in case the other should draw for ten thousand pounds, this man must either pay the whole, or subject himself to an action for non-performance of the condition.

But if this notion should prevail, then an acceptance for part is an acceptance for the whole; yet on the one hand as it charges the acceptor with the entire sum, so on the other hand it discharges him of this action; for then there can be no colour to split the demand into two actions, but the plaintiff in declaring for part ought to shew that the rest is satisfied. *Salk*. 65.

Others are of opinion, that the party ought not to have taken this acceptance, but protested the bill as to the whole, and sent for another, to the value of what the drawer would answer. This likewise makes for the acceptor, the defendant.

I am informed indeed, there is one gentleman who intends to say, that this matter has happened in his own experience; but he, by what I find, is alone in that opinion, and perhaps may not have considered the consequences of it.

As there is this diversity of opinions upon a matter which seldom or never comes in practice, I shall take it upon the reason of the thing, with a view likewise to the many inconveniencies which will follow as a consequence of establishing this partial acceptance.

The better to come at this, it may not be improper to state the method of transacting these affairs. When the party, to whom a bill of exchange is made payable, receives it, he immediately applies to the drawee to get his acceptance: if he accepts it, nothing further is done till the day of payment, and then, if it be paid, the matter is at an end. But if the drawee will not accept it, then the party is to protest the bill, and send back the protest by the next post. When the time of payment comes, he tenders the bill again, and then the drawee may either pay or refuse it; if he refuses it, then there is a second protest for non-payment, and the bill itself is returned; and so it is if he accepts it, and afterwards refuses to pay it. From all this I would infer, that there can be no partial protest for non-acceptance, which, as I am informed, is a protest not in the memory of any but one of the notaries public. The words of all protests are, "I ex-

hibited

hibited the original bill to the person to whom it is directed, and demanded his acceptance thereof." Now an acceptance of part is not an acceptance thereof, no more than payment of part is a payment of the whole. There is a book which goes by the name of "Advice concerning Bills of Exchange," and is esteemed amongst those who are most conversant in these affairs. And in fol. 33 of that book, it is said, that nothing but an acceptance to pay *secundum tenorem billæ*, can deprive the party of the benefit of a protest. And in fol. 16 of the same book, he puts the case of a bill drawn on A and B, who are not joint-traders, and an acceptance by one only. This, says he, goes for nothing, and the party must protest the bill, as in case of no acceptance. These are the words of the book, and by putting the case of two who are not joint-traders, I should apprehend he means, that each being charged with a moiety, the acceptance of one is but an acceptance to pay a moiety, which is but a partial acceptance, and therefore void. And this is explained by the case of *Pinkney v. Hall*, where one joint-trader accepted a bill, and it was held to be the acceptance of both, because both were equally liable to pay the whole. And to this purpose likewise is *Molloy de jure maritimo*.

If there can be no protest for non-acceptance of part, I would consider how the case would stand in regard to allowing this partial acceptance. The natural and plain consequence of that will be, to put it in the power of the drawee to defeat the other of the benefit of protesting a bill for ten thousand pounds by his acceptance to pay one penny only; for this I would submit, that if the party may take such an acceptance, he must take it: if it will be good, he cannot refuse it, for it is not at his election to charge the drawer but upon the other's default: the drawee is the person he must first resort to, and if he refuses, then, and not till then, there is a proper remedy against the drawer; and therefore in the action against the drawer, the plaintiff must shew a protest, which is an endeavour to receive the money of the drawer. *Salk. 131.*

But even admitting there may be a partial protest for non-acceptance, yet the inconveniencies which will follow of course are so great, that I hope it shall never be established by the court.

It would be endless to put cases where it has been held, that rent-charges and the like cannot be apportioned; and therefore I shall rely entirely upon the reason of the thing, that in this case the contract between the drawer and the person to whom the bill is payable is entire, and not divisible. By this contract the drawer, (and consequently the indorser) subjects himself to an action, if the money be not paid at the time: but though he becomes liable to one action, yet there is no reason, that by transactions between the party to whom the bill is payable, and the drawee, to which he is not privy, this contract shall be branched out into several actions, which will unavoidably be the case of every partial acceptance; for I do not apprehend how this can be reduced to one action by refusing this partial acceptance, and protesting for the whole; because (as I observed before) if the party may take it, he must take it, and can charge the drawer no further than there is a default in the drawee.

As therefore two actions are the fewest he can be charged with, I would beg leave to instance how he may be charged with a great many. The acceptor will charge him as far as his undertaking; then another for the honour of the drawer (as it is usual amongst merchants) may undertake for another part, and by the same reason a third, and a fourth, and no body can say where it shall stop: so many different persons may accept for so many different pence, and every one of these has his distinct remedy against the drawer.

This is too great an inconvenience to be got over, and it is such an inconvenience (I mean the multiplicity of suits) as the common law has always endeavoured to meet with. In the case of *Hawkins v. Cardee*, it was held, that the indorsee of part could have no action, because, says my Lord Chief Justice *Holt*, the drawer having only subjected himself to one action, it cannot be divided so as to subject him to two. If the grantee of a rent-charge levies a fine of part, the consuee cannot

compel an attornment, for that would be to give two actions against the tenant. So if a feoffment were made to a man and his heirs with warranty, and he makes a feoffment to two, the warranty is gone. If two take lands jointly with warranty, and one makes a feoffment, the warranty is gone as to him, but remains as to his companion, so as he may vouch for a moiety; and at common law, if they had made a partition, the warranty was lost. *Co. Litt. 187. a.* And all this goes upon that ground, that it being *res inter alios acta*, it shall not turn to the prejudice of a third person. But this partial acceptance is a matter transacted between mere strangers, and therefore shall not hurt the drawer, who was no party to it. No act of theirs, which would be prejudicial to him, shall bind him; but the subjecting him to several actions will be a prejudice; therefore he shall not be subjected to several actions.

The great benefit arising to the public from these bills is, their being negotiable, and passing about as well as money; for every body is sensible, that without the assistance of these bills, our trade could never be carried on for want of sufficient specie; not to mention the trouble and danger of returning money, which is avoided by this expedient. It is this benefit which the public receives from these bills, that has entitled them to all the favour they have received, of which innumerable instances might be given; for this reason it has been held, that the bare drawing or accepting a bill makes a merchant for that purpose. Now if what is contended for on the other side should prevail, the public will be deprived of this great benefit; for no man will take his bill as so much money in the way of trade, when he is to resort to one man for one part, and perhaps send out of the kingdom for the other, to a place where he has no correspondent. In the case of *Jocelyn v. Laferre*, which was in this court, *Hill. 11. Ann. rot. 214.*, where the bill was to pay out of my growing subsistence, it was held, that in regard his growing subsistence might never amount to the sum drawn for; therefore this was not a bill of exchange within the custom of merchants, for nobody would take it upon such a contingency. And the cases of promissory notes, since the statute 3 and 4 Ann. c. 9. made perpetual by 7 Ann. c. 25. have gone upon the same reason. *Smith v. Boheme, Mich. 1 Geo. in B. R.* which was to pay money, or surrender a man to prison. And the case of *Appleby v. Biddle*, in B. R. *Hill. 3 Geo.* which was to pay so much to A, if I do not pay so much to B, and both these were held not to be within the statute, upon that only reason, that they were not negotiable.

Another inconvenience which naturally occurs upon this occasion is, that the drawee will insist to have the whole bill delivered up, when he pays but a part only. For according to the authors who treat of this subject, he can never charge the drawer, when they come to make up their accounts, with more than he has vouchers for under the hands of the drawer. In *Lex Mercatoria* 274, it is said, that if the bill be lost, the drawee cannot justify the payment, though he has a letter of advice. And this refutes all the expedients of indorsing part, or giving a special receipt for so much; because in neither of those cases will the drawee have any authority to produce under the hand of the drawer. If the drawer then refuses to allow what the other has paid, his only remedy will be to bring his action; and how he will be able to maintain it upon the custom of merchants, I must confess myself at a loss to find out, for he will want the necessary evidence to maintain such an action, which is the bill itself that was drawn upon him.

If this then will be the case, where he pays the money without taking up the bill, I must contend, that by all the rules of prudence and justice, he may insist to have the whole bill delivered up to him, when he only pays part of it, a cording to his acceptance.

Supposing him then in possession of the whole bill, I would consider in what a condition we have left the party to whom it was made payable. He must be supposed to have advanced a consideration adequate to the whole sum, and consequently is in justice intitled to his whole money of somebody or other. It will be said, that he may get what he can of the drawee, and then go back

to the drawer for the residue. It is true he may do so, and the drawer may be a man of so much honour as to pay him every farthing. But what must he do when he finds he is mistaken in his man, when the drawer, (instead of ordering him the money as he expected) shall tell him, "No, you have nothing to produce under my hand, and if you have been so foolish as to deliver up the bill, you must take it for your pains." I know of no remedy in this case, but what would be worse than the disease, and therefore the most prudent thing he can do will be to sit down by the loss. And this will be so far from being a trick in the drawer, that it will be no more than what every prudent man will do. For if upon the report of what has been done he should advance the residue of the money, yet still there is a bill standing out against him for the whole, upon which bill it cannot appear he has paid the money which the drawee had left unpaid. And whether in that case he would not afterwards be answerable for the whole, may be proper to be considered.

I have now done with what I had to offer in maintenance of the negative of the question I proposed to speak to, and shall therefore proceed to take notice of what was hinted at upon the former argument in behalf of the plaintiff in this case.

It was said, that the drawee may, (and very often does) accept to pay the money at a different time from what is appointed in the bill. I must admit he may do so; but surely that case can bear no proportion to this. It is not liable to any of the inconveniences I mentioned; it is the same as if the bill had at first given him a longer time; and it is well known that after *acceptance*, a month or two will break no squares, where the man is good. With this further, that amongst merchants such an *acceptance* is esteemed a general *acceptance* to pay the money, according to the tenour of the bill; besides *Molloy* says, that in such a case the bill must be protested, which cannot be done in our case.

It was further urged to be highly reasonable, that the drawee should honour the bill as far as he had effects. I admit this to be reasonable, and perhaps it would not have been impossible for the plaintiff to have declared in such a manner, as to have charged the defendant to the amount of his *acceptance*. But we are upon the custom of merchants, and whatever might be reasonable in case of private property, will cease to be so, when it appears to be pregnant of so many inconveniences to the public as I have mentioned. And if the plaintiff has it in his power to frame a case wherein he may do himself justice, that makes the argument stronger against suffering him to break in upon the public convenience for his private benefit. The policy of the law is, rather to let one man suffer, than produce a general inconvenience. But here we are to be led into the greatest inconveniences, even in a case where there is no danger of the party's suffering in the least; for he has a remedy which stands clear of all these inconveniences, and there will be no harm in leaving him to that.

It was said, that if the drawer (who is supposed to know what effects he has in the other's hands) by drawing for more, subjects himself to several actions, it is his own fault. The answer to this is, that the very drawing for more destroys the presumption that he knew how the accounts stood. But amongst merchants, as I observed before, that is not the case, for they often honour one another's bill, where there are no effects at all.

But even admitting the drawer does not stand altogether clear of this objection, yet still this may be the case of one who cannot be supposed to know how the accounts stood between the drawer and the drawee; for it may happen this bill may be indorsed, and then the indorser is to be charged in the same manner as the drawer. The indorser will be liable to several actions, though he is no ways privy to any of the transactions between the indorsee and the drawee.

Upon breaking the case upon the former argument, a difference was taken between the case of the *acceptor* and that of any other person; that he should not come and discharge himself against his own *acceptance*, whatever the other might have done, as to refusing this partial

acceptance. If this was his case only, it might be reasonable to extend this *acceptance* as far as it will go; but the hardship is, that what is law in his case, must likewise be law in the case of the drawer and indorser; so that here are two innocent persons who are to be involved in the same common fate, and that is never to be suffered, especially when the drawee may be charged in another manner, which will not effect the drawer or the indorser.

But if this partial *acceptance* should be thought good within the custom of merchants, yet the plaintiff can never recover in this action, in regard to the manner in which he has declared.

My first exception is, that the plaintiff by his own shewing has brought his action too soon. This is a declaration of last Michaelmas term, and the *acceptance* is laid to be the 9th of *December* 1717, to pay upon the 8th of *February* following, in consideration whereof he did, the same day and year last mentioned, which was the 8th of *February* 1717, promise to pay the money on the 8th of *February*, *tunc proxime sequen*. Now there must of necessity be the intervention of a whole year between the 8th of *February* 1717, and the 8th of *February* following, and there the case is no more, than that the plaintiff complains, that the defendant on the 23d of *October* had not paid him a sum of money, which, of his own shewing, was not become due till the 8th of *February* following. If it were necessary to cite cases in maintenance of this acceptance, there are *Sid.* 373. *Vent.* 135.

Another exception is, that the plaintiff has not made any request before bringing the action, which he ought to have done; for the merchant who accepts is easy to be found, but the party to whom the bill is made payable may only be a traveller, to whom the other cannot resort to pay the money. And this differs from the case of a bond; for there it is for the benefit of the obligor to save the penalty; so there needs no request to him, to do an act for his own benefit. It will be said, that the action is a request; but if it be, still it recurs to that question, whether a request at the time of bringing the action is sufficient; and it is plainly not so, for then it is a request to pay the money four months before it became due.

I shall trouble your lordship with but a word more, and it is this. The bill runs thus, "Pay this my first bill, my second not being paid," and therefore I must submit it, whether they ought not to have averred, that the second was unpaid. Indeed in the case of *East v. Effington*, it was held well after a verdict, because if the second was paid, the jury could not find *assumpsit* as to the first; he was not to pay the first, unless the second was paid; so the jury finding him bound to pay the first, that is an argumentative finding the second unpaid. But the court in that case inclined, it would have been ill upon a demurrer.

It will be said, that this should have been shewn for cause of demurrer; but this exception goes to the cause of action itself, and may as well be taken advantage of upon a general demurrer as the want of setting out an attornment was in the case of *Long v. Buckeridge*.

The whole, both with relation to the matter and the manner of this deed, may be reduced to this dilemma; either this partial *acceptance* is good, or it is not. If it is good, yet the plaintiff has come too soon, without alleging what is necessary to make out his case, and consequently can never recover in this action: if it is not good, that alone will be sufficient to entitle us to judgment for the defendant.

Reve, contra. I am no otherwise prepared to argue this cause, than by acquainting the court, that a gentleman has often attended to inform you, that it is practicable to protest a bill for non-*acceptance* of part, and then resort back to the drawer. As to the inconveniences which are urged, they are as great on our side, upon account of death or acts of bankruptcy. The drawee is not prejudiced; and as to the drawer, if part is paid, his debt is so much lessened, which is a benefit to him.

As to the first objection to the declaration, that we have brought our action too soon, it runs, *in prædict.*

Novum diem Febr. tunc proxime sequentem; so to support the defendant, you will neglect *proxime sequentem*, and then it stands, as a promise to pay in February 1717, and the action is in October following.

2. No request was necessary; for upon the acceptance a duty arises, and this is not a collateral promise.

3. If the defendant had paid the second bill, he should have pleaded that matter in his discharge; and as to the case of *East v. Effington*, that was against the drawer upon the first contract, but this is against the acceptor upon a new contract.

Strange replied, As to *prædict.* it does not make the sentence inconsistent with *proxime sequentem*; for it is common to call the same day in a different year, the same day generally; and here it is no more than that the party promises on the 8th of February, in one year, to pay upon the same day in another year; and where a thing is grammatically right, the court will never reject it. It was held in the case of *Wyat v. Aland*, in B. R. Trin. 2 Ann.

They should have shewn the second bill unpaid, for it is in the nature of a condition precedent to their having any right to this action. As to the request, no debt arises upon the acceptance; for an *indebitatus assumpsit* will not lie upon a bill of exchange. *Salk.* 125.

Powis, justice. Either party might have refused this partial acceptance, and they were at the same liberty to take it: neither could force the other to it; but if both agree *volenti non fit injuria*. The drawer trusts all to the discretion of the person to whom he gives the bill; and if that person leads him into inconveniences, who can help it?

Eyre, justice. I think the declaration is well enough; we will reject *proxime sequentem*, and then all is right; there is no difference between the drawer and the acceptor; for if he pays either of the bills, the drawer is not liable. Acceptance of one is so of both, though in fact it amounts to no more than an acceptance to pay the contents of one of them; and payment of one is a discharge of both: so that the averment that the money was not paid upon the first goes to the second also. I searched, but could not find the record of *East v. Effington*; and by my notes, I find it went off immediately upon the answer that the verdict had cured it. The precedents are as this declaration. *Vidian Ent.* 31, 67.

Fortescue, justice. I think there is a difference between the drawer and the acceptor; for the drawer is bound to pay all, the drawing being an actual promise; but the acceptor is bound to pay but one, and no action can be maintained but upon the very note which he accepts. There is another answer to the objection, that the action is brought too soon; and that is, that the plaintiff needed not set out any promise at all. *Starke v. Cheefeman*. *Lowther v. Conyers*, which was a promissory note; and they have left out *supra se assumpsit*; and yet it was held well enough, for the law raises a promise. And this is likewise an answer to the want of request. In *Molloy*, and the other books, there is a whole paragraph about the partial acceptance of a bill of exchange, and they allow it to be good. So judgment was given for the plaintiff. *Wegerloffz* and *Keene*.

What acceptance amounts to a general promise.

Acceptance after the time of payment elapsed, and a promise then to pay the money *secundum tenorem billæ præd.* is good, and amounts to a promise to pay the money generally. *Mitford v. Wallicot*.

What amounts to an acceptance.

If a bill be drawn on one at Amsterdam, and he does not care to accept it, but gets one here to do it, the party need not acquiesce; but if he does, the party here is bound. *Per cur.* Same case.

Executor must prove acceptance to be in the testator's life-time.

A bill of exchange was directed to A, or in his absence to B, and began thus: viz. "Gentlemen, pray pay." The bill was tendered to A; who promised to pay it as soon as he should sell such goods. In an action for non-payment, it was objected that this was a condi-

tional acceptance; but here the action being by an executor, and upon debt laid to be due to testator, *Holt*, chief justice, held it necessary to prove that the acceptance was in the testator's life-time.

Acceptance may be by parole.

A bill of exchange may be accepted by parole, but not transferred, otherwise than by writing on the back, and that transfers the property by the custom of merchants. *East v. Effington*.

What acceptance good.

A foreign bill was drawn on the defendant, and being returned for want of acceptance, the defendant said, that if the bill came back again, he would pay it; this was ruled a good acceptance. *Car v. Coleman*.

The drawee wrote a letter to him in whose favour the bill was drawn, that if he would let him write to Ireland first, he would pay him; and this was held a good acceptance. *Wilkinson v. Lutwich*.

Acceptor may plead statute against gaming.

Acceptor of a bill drawn for a sum won at gaming more than the statute allows, may plead the statute against gaming against the person himself, but not perhaps against any indorsee for value received. *Hussey v. Jacob*.

Acceptance after a bill becomes payable.

It was agreed that an acceptance, or negociation, in England, after a bill becomes payable, shall bind the acceptor, or indorser, though not perhaps the original drawer. And for this was quoted *Pigot and Jackson's* case in B. R. Hill. 9 William III. though it were an acceptance to pay *juxta tenorem præd.* as here agreed. *Mitford v. Wallicot*.

Custom of acceptance laid too general.

In case, upon a bill of exchange, the plaintiff set forth a custom, *inter mercatores & alias personas*, that if a bill is indorsed, and accepted by a person on whom it is drawn, if any other merchant will pay the money to the indorsee, for the honour of the indorser, there the first drawer is chargeable to him; that F, the defendant, drew a bill upon J. S. for one hundred pounds, payable to J. D. that J. S. accepted the said bill, and J. D. indorsed it to M. L. and that R. the plaintiff, paid the money to M. L. for the honour of the said J. D. the indorser; and that thereupon F, the drawer, became liable to him, but had not paid the money, *ad damnum*, &c. the plaintiff, had judgment by *nil dicit*, &c. but it was reversed upon a writ of error in the Exchequer-chamber, because the custom was laid too general; for it extended not only to merchants, but to all other persons whatever. *Fairly v. Roch*.

Acceptance for the honour of the drawer.

R drew a bill of exchange on S payable to B; S refused to accept it, whereupon B protested it. L, for the honour of R, gave a note to pay the money at the day, if not paid by R: afterwards B indorsed L's note to C, for value received: C, in like manner, indorsed it to D, and he to E, and he to F, all for value received. At the day of the return, S still refused to accept the bills; whereupon L's bill was protested. Then M and N, hearing of the protest of K's bill, paid the money for the honour of B, but in action by M and N, against L, the declaration does not say that they paid it to F, nor to whom they paid it; but only generally, that they paid it. This matter was assigned for error, and that, for what appears, it might be paid not to F, the last indorsee, to whom alone it was due, but to another; and if so, the defendant remains still liable as to him. But, *per cur.* after verdict, it shall be intended that the payment was to the right person, especially it being laid to the *ex parte* of the plaintiff; which could not be, if it had been paid to a stranger; and so the judgment of the King's Bench has affirmed in the Exchequer-chamber. *Brunetti versus Lewen*.

If A draws a bill on B, who will not accept it, and C offers to accept it for the honour of the drawer, the drawee need not acquiesce, but may protest; but if he does not acquiesce, C is bound *per cur.* *Misford v. Wallicot.*

A man cannot be sued on his acceptance of a bill of exchange abroad, after he has been discharged by the laws of that country.

A bill of exchange was drawn upon the debtor at Leghorn, which he accepted; but by the law there, if a bill be accepted, and the drawer fails, and the acceptor hath not sufficient effects of the drawer in his hands at the time of acceptance, the acceptance becomes void; and this happening to be the plaintiff's case, in order to discharge himself of the acceptance, he instituted a suit at Leghorn, and his acceptance was thereupon vacated by a sentence in that court. Afterwards the plaintiff returned to England, and was sued here at law upon this bill; and thereupon he exhibited his bill in this court for an injunction and relief.

King, lord chancellor, was clearly of opinion, that this cause was to be determined according to the local laws of the places where the bill was negotiated; and the plaintiff's acceptance of the bill having been vacated, and declared void, by a competent jurisdiction; he thought the sentence was conclusive, and bound the Court of Chancery here: and to this purpose he instanced the case of one *Hutchinson*, which was in 29 Car. 2. and is mentioned in *Sbo.* 6. where *Hutchinson*, having killed a person in Spain, was there prosecuted, tried, and acquitted of the murder; and afterwards returning to England, he was indicted again for the same murder here; to which indictment he pleaded the acquittal in Spain in bar, and the plea was allowed to be a good bar to any proceedings here.

And upon the attorney-general's insisting that the plaintiff might have taken advantage of this matter upon a trial at law, and therefore not relievable in a court of equity,

The chancellor declared, that if he was to try the cause at law, he would allow the plaintiff the benefit of this matter upon the trial. But as the other judges might be of a different opinion, he would not put the plaintiff upon the difficulty and hazard of a trial. And he said he remembered a case which came before him in the lord mayor's court, when recorder of London; where a mariner sued in the Admiralty Court for his wages, and his lordship, as recorder, being doubtful whether he should allow the defendant to give the sentence in the Admiralty Court in evidence upon *non assumpsit*, asked the opinion of chief justice Holt; who said, That whatever defeated the promise, might be given in evidence on *non assumpsit*, and that the sentence in the Admiralty Court would be good evidence: and in this case a perpetual injunction was granted, to enjoin the defendant from suing upon that bill. *Burrows v. Femino.*

Acceptor cannot set up forgery of the bill.

In an action by the indorsee of a bill of exchange against the acceptor, it was held not to be necessary to prove the hand of the drawer; and the plaintiff rested on the proof of the acceptance. The defendant offered to prove it a forged bill, by calling persons who were acquainted with the hand of the drawer, and would swear they did not believe it to be his hand. But the chief justice would not admit this, from the danger to negotiable notes, and because a man might, with design, write contrary to his usual method: and he strongly inclined, that even actual proof of forgery would not excuse the defendants against their own acceptance, which had given the bill a credit to the indorsee, who had a verdict. *Jenys v. Fowler et al.*

Action lies against a servant upon a bill drawn on him and accepted generally, though the order is to place it to the account of the master.

The plaintiffs were indorsees of a bill of exchange drawn from Scotland upon the defendants in these words: "At thirty days sight, pay to J. S. or order two hundred pounds value received of him, as per advice from Charles Milldway. To Mr. Humphrey Bishop,

cashier of the York-buildings company, at their house in Winchester-street, London.

Accepted 13 June, 1732, per
H. Bishop."

This bill not being paid, an action was brought against the defendant upon his acceptance: and the defendant proved, that the letter of advice was addressed to the company; and that the bill being brought to their house, he was ordered to accept it, which he did in the same manner as he had accepted other bills. But Mr. J. Page, who tied the cause, directed the jury to find for the plaintiff, which they did accordingly.

And now, upon motion for a new trial, the court held, that the direction was right; for the bill on the face of it, imports to be drawn upon the defendant, and it is accepted by him generally, and not as servant to the company, to whose account he had no right to charge it, till actual payment by himself; and this being an action by an indorsee, it would be of dangerous consequence to trade to admit of evidence arising from extrinsic circumstance, as the letter of advice. And they said, this differed widely from the case of a bill addressed to the master, and underwrote by the servant, where undoubtedly the servant would not be liable; but his acceptance would be considered as the act of his master. A bill of exchange is a contract by the custom of merchants, and the whole of that contract must appear in writing. Now here is nothing in writing to bind the company, nor can any action be maintained against them upon this bill; for the addition of cashier to the defendant's name, is only to denote the person with more certainty; and the York-buildings house is only to inform the order where the drawer is to be found: and the direction whose account to place it to, is for the use of the drawer only. And they compared it to the case in *Carth.* 5. 2 Vent. 307; where a bill was drawn payable to Price for the use of Calvert: and held, that the legal property was in Price: which is stronger than the present case. They said, it might be otherwise, if the action had been by J. S. who was privy to the transaction; and it had appeared he tendered the bill as a bill on the company: but this plaintiff being a stranger, they could not consider those circumstances. The plaintiffs had their judgment. *Thomas et al. v. Bishop.*

What acceptance of a bill of exchange is good.

The defendant accepted a bill of exchange to pay it when consigned to him, and when the goods, for which the bill was drawn, were sold; and the plaintiff counted upon the custom of merchants. After a verdict for the plaintiff, it was moved in arrest of judgment, that this acceptance, depending upon the contingency of the sale of the goods, was not within the custom of merchants, or negotiable. But the court, upon consideration, held it good: for though the plaintiff might have refused to take such an acceptance, and have protested the bill; yet nobody can say, he might not submit to it; and it will affect trade, if factors are not allowed to use this caution, when bills are drawn before they have an opportunity to dispose of the goods. A man who is drawn upon to pay at ten days sight, may accept for thirty. *Molloy* 304. Though the other might protest the bill. *Salk.* 129. *Cumb.* 452. *Smith v. Abbot.*

Acceptance to pay at a goldsmith's must be tendered within the same time a note must.

Case by indorsee of a bill of exchange against the defendant as acceptor, who, on tender of the bill, wrote, "Messieurs Caswal and Mount, pay this bill when due, for Thomas Chitty." The bill fell due on the second of January, 1741. The bankers paid till the ninth at two; and on the twenty-first of January, the money was demanded of the defendant.

For the defendant it was insisted, that the plaintiff had given such a credit to the bankers as to make it his loss; and they compared it to this common case of a note, or draught kept.

For the plaintiff it was said, that there was no limited time, but that of the statute of limitations, to sue the acceptor; and that the plaintiff cannot come in as a creditor

ditor of the goldsmith's, because they have done nothing to make themselves liable.

The chief justice held, that it was the loss of the plaintiff, who, though he might have refused to take such an acceptance, yet had now agreed to it; and it was to all purposes in the nature of a draught, which is always considered as actual payment, when a reasonable time to receive it in is elapsed. *Bishop v. Chitty*.

Acceptor being an infant not liable.

Assumpsit on the custom of merchants against the defendant as acceptor of a bill of exchange. The defendant pleaded infancy; to which the plaintiff demurred, alleging, that where contracts are established by custom, as in the binding one's self apprentice, infants shall be bound as well as others.

But by the court. Here the infant is not bound: the case of an apprentice depends on custom, but the law of merchants is part of the common law; wherefore judgment for the defendant. *Williams v. Harrison*.

An acceptance by letter good. Law of bills.

The bill was, for satisfaction of a bill of exchange, drawn upon the defendant, and accepted by him. Pending the suit, the original defendant died, and it was revived against his executors, praying also a discovery of assets, and to be satisfied thereout. On the proofs some question was made, whether the acceptance was sufficient to charge the defendant? and, whether the plaintiff, by keeping the note about ten days after it became due, without coming to the drawee for the money, hath not discharged the acceptor; but it was insisted for the defendant, as a previous matter, that the plaintiff had a plain remedy at law, that his case depended upon facts that ought to be tried by a jury, and not to be determined in this court.

Hardwicke, lord chancellor. Regularly the plaintiff ought to pursue his remedy at law, and not in this court: and, if the case stood as it did at first, I should certainly dismiss the bill: but the bill of receiver, praying a satisfaction out of assets, and a discovery of assets, it is made a case of which this court takes cognizance; and then the prayer of satisfaction is an incident that follows with it. I have therefore no doubt but that the plaintiff is proper in praying a remedy in this court. But, with regard to the acceptance, if there were a doubt of it, as to the fact, or whether in law what has been done amounts to an acceptance, it might be still necessary to send the parties to a trial at law; but I think there is no doubt of either. The testator, when the bill was brought to him, received it, entered it in his book, according to his course of trade; and the entry is proved to have been made under a particular number, and wrote that number under the bill and returned it. Now it is said to be the custom of merchants, that if a man underwrites any thing to a bill, it amounts to an acceptance. But if there were no more than this in the case, I should think it of little avail to charge the defendant. But what determines me, is the testator's letter; and I think there can be no doubt, but that an acceptance may be by letter; and it has been so determined: there was a doubt, whether a *parole-acceptance* be good; lord chief justice *Eyre* said it was, lord *Raymond* held the contrary; and there was a like case came on before me at *nisi prius*; *Lumely and Palmer*, 2 Stra. 1000. and I had a case of it for the opinion of the court, and it was several times argued, and at last solemnly determined, that such acceptance is good; much more therefore an acceptance by letter.

As to the plaintiff's being entitled to interest, I think it a clear case that he is, though no protest has been made; for that is necessary only to entitle the payer to damages against the drawer, and all the damage that can be had in such a case, is the interest.

Decree for the defendant to pay the note with interest, at the rate of four per cent. The plaintiff to pay the costs to the time of the bill of revivor, and after each party to bear their own costs. *Powell and Molire*.

Book-keeper, servant, &c. may accept a bill of exchange.

If a book-keeper, or servant, or other person, having authority, or usually transacting business of this nature

for the master, accept a bill of exchange, this shall bind such master.

Penalty of forging the acceptance of bills of exchange.

"If any person shall falsly make, alter, forge or counterfeit, or cause, or procure, to be falsly made, &c. or willingly act, or assist, in the false making, &c. any acceptance of any bill of exchange, with intention to defraud any person whatsoever; or shall utter or publish as true, any false, &c. acceptance of any bill of exchange, with intention to defraud any person, knowing the same to be false, &c. such person shall be deemed guilty of felony, without benefit of clergy." 7 Geo. II. c. 22.

See Bills of Exchange.

ACCEPTANCE of money where it discharges a bond. Debt upon bond; the defendant pleaded, that it was agreed between the plaintiff and the creditors of the defendant, that he should by indenture convey lands to the said creditors to be sold by them, and the money to be shared amongst them, and says *de facto*, that by indenture he sold the lands to them, and assigned to them a lease for years of certain customs of wines and sums of money, which they accepted; adjudged, that this indenture founds in nature of a covenant, the breach whereof must be satisfied by damages, which are uncertain, and shall not be accepted, or pleaded in satisfaction, yet, it not being performed, it shall be no bar, though accepted by the creditors. Cro. Car. 192. See 6. Rep. 34. Blake's case. Debt upon bond for the payment of 7l. upon the birth of the plaintiff's next child; the defendant pleaded, that before the birth of the child it was agreed between them, that the plaintiff should have a load of lime of the defendant; for which he would be indebted to him (the said defendant) and that he would acquit himself (the plaintiff) of the said debt, and the plaintiff accepted it in satisfaction of the bond; and upon demurrer it was insisted, that nothing could be taken in satisfaction of the 7l. because it was not a duty, but a sum payable upon a contingency, and that the lime could not be accepted in satisfaction of the bond, because the bond itself could not be discharged, without a specialty; and therefore he ought to have pleaded, that the plaintiff accepted it in satisfaction of the money mentioned in the condition, &c. And this last was adjudged a material exception. 2 Cro. 254. 1 Bulst. 66. 1 Brownl. 109. Yelv. 192. Debt on a bond of 100l. conditioned for the payment of 52l. 10s. on a certain day; the defendant pleaded, that at the day, &c. he and his son gave a new bond of 100l. conditioned for the payment of 25l. 10s. at another day then to come, which the plaintiff accepted in satisfaction of the bond; and upon demurrer, it was adjudged for the plaintiff, because the acceptance of a new bond to pay money at another day, could not be a present satisfaction for the money due on the day when it was to be paid on the old bond. Hob. 68. Debt upon bond, conditioned to pay 8l. &c. Defendant pleaded payment of 5l. before the day mentioned in the condition, which the obligee accepted in satisfaction of the bond; and upon demurrer this was adjudged a good plea, upon this difference, that where a less sum is paid before it is due, and the payment is accepted, it shall be good in satisfaction of a greater sum; but after the money is due, then a less sum, though accepted, shall not be a satisfaction for a greater sum, Moor 677. Debt upon a bond of 16l. conditioned to pay 8l. 10s. on a certain day; the defendant pleaded, that before that day, he, at the request of the plaintiff, paid to him 5l. which he accepted in satisfaction of the debt, and upon demurrer the plaintiff had judgment, because the defendant had pleaded the payment of the 5l. generally, without alleging, that it was in satisfaction of the debt. It is true, he sets forth, that it was accepted in satisfaction of the debt, but it ought likewise to be paid in satisfaction. 5 Rep. 517. Debt upon bond, conditioned that in consideration the plaintiff had paid 12l. to the defendant, he became bound to pay the plaintiff 12l. if he lived one month after the date of that bond; and if not paid at that time, then to pay him 14l. if he lived six months after the date of the bond; the defendant pleaded, that after the six months,

he paid the plaintiff 8l. and then gave him another bond in the penalty of 20l. conditioned to pay him 10l. on a certain day, in full satisfaction of the other bond, and that the plaintiff did accordingly accept the said bond; upon a demurrer to this plea, it was held ill; for admitting that one bond might be given in satisfaction of another, and yet it cannot be after the other is forfeited, as it was in this case; because after the forfeiture, the penalty is vested in the obligee, and a less sum cannot be a satisfaction for a greater. 1 Lut. 501. *Debt upon bond*, conditioned for payment of 50l. and interest, on the second day of March, 31 Car. II. the defendant pleaded in bar, that after the making the said bond, he entered into another bond to the plaintiff of the same penalty, conditioned for payment of the like sum, as in the first bond, which second bond the plaintiff did accept in full discharge and satisfaction of the first; and upon a demurrer to this plea, the plaintiff had judgment, because the defendant did not alledge that he gave the second bond in satisfaction of the first, but only that the plaintiff accepted it, &c. 1 Lut. 501.

ACCEPTOR, the person who accepts a bill of exchange by signing it, and obliges himself to pay the contents, when it becomes due. As long as the acceptor has his signature in his own power, that is, as long as he has not returned the bill with his name to it, he may strike out his acceptance: but, when he has once delivered it, it is no longer in his power so to do, though it should come again into his hands. In a word, there is no retracting an acceptance once delivered: the acceptor must pay the bill. Some use the word *acceptant*, which is the usual French term: though they also use the term *accepteur*.

It is the custom at Amsterdam, that all who accept bills of exchange make themselves debtors for them, by virtue of their acceptance; and though the drawers should become insolvent before the term for payment elapses, the acceptors can have no recourse against the indorsers of the bills. *Ordinances of Amsterdam*, quoted by Mr. Ricard, in his *Traité General du Commerce*, under the title *acceptances*.

ACCESSARIES to Piracy. All persons who shall, either on land or upon the seas, knowingly set forth any pirate, or assist, or maintain, procure, command, counsel, or advise, any person to commit any piracies, or robberies upon the seas, and such person shall thereupon commit any such piracy or robbery, all such persons shall be adjudged *accessary* to such piracy and robbery; and after any piracy or robbery committed, every person, who knowing that such pirate or robber has committed such robbery, shall, on the land, or upon the sea, receive, entertain, or conceal any such pirate or robber, or receive any ship or goods, by such pirate or robber, piratically and feloniously taken, shall be adjudged *accessary* to such piracy and robbery; and all such *accessaries* may be enquired of, heard, and determined, after the common course of the law, according to the statute 28 Hen. VIII. cap. 15. as the principals of such piracies and robberies ought to be; and being attainted shall suffer death, and loss of lands and goods.

By 8 Geo. I. ch. 24. § 1. if any commander of a ship, or other person, shall trade with any pirate, or shall furnish any pirate, felon, or robber, upon the seas, with ammunition, provision, or stores, or shall fit out any ship knowingly, and with a design to trade or correspond with any pirate, &c. upon the seas, or if any person shall consult, combine, or correspond with any pirate, &c. knowing him to be guilty of piracy, felony and robbery, such offender shall be adjudged guilty of piracy, &c. and shall be tried according to the statute Hen. VIII. cap. 18. and 11 and 12 Will. III. cap. 7. and being convicted shall suffer death, and loss of lands and goods; and if any person belonging to any ship, upon meeting any merchant ship on the high seas, or in any port, haven, or creek, shall forcibly board or enter such ship, and though they do not seize and carry her off, shall throw overboard, or destroy any of the goods, they shall be punished as pirates.

Every ship fitted out with a design to trade, or correspond with any pirate, and all the merchandizes put on board the same, with an intent to trade with any pi-

rate, shall be forfeited, one moiety to the king, and the other to the informer, to be recovered in the High Court of Admiralty.

All persons declared *accessaries*, by 11 and 12 Will. III. to any piracy, are by this act declared principal pirates. See **PIRATES**.

ACCIDENTS on board ships. As soon as merchandizes, or other commodities, are put on board a ship, whether she be riding in port, haven, or any other part of the seas, he that is *exercitor navis* (master of her) is chargeable therewith; and if the same be there lost or purloined, or sustain any damage, whether in the haven or port, before, or upon the seas, after she is on her voyage, either by the mariners or by any other through their permission, he that is the commander must answer the damage, for the very lading the goods aboard the ship subjects him thereto. And with this agrees the *common law*, where it was adjudged, 1 Mod. 85. Raym. 220. 1 Ven. 190. 238. 2 Keb. 866. 3 Keb. 72. 112. 132. 135. that goods being sent aboard a ship, and the master having signed his bills of lading for the same, the goods were stowed, and under pretence of being *prest-masters*, divers persons, in the night, entered the ship, and robbed her of those goods; the merchant brought an action at *common law* against the master; and the question was whether he should answer the same; for it was alledged on his part, that there was no default or negligence in him, as he had a sufficient guard, the goods were all locked up under hatches, and the thieves came as *prest-masters*, and by force robbed the ship; and that the same was *vis major* (sometimes allowed in the *civil law*) which he could not prevent: And lastly, that though he was master, or *exercitor navis*, yet he had no share in the ship, and was but in the nature of a servant, acting for salary. But notwithstanding, it was adjudged to the plaintiff; for the master at his peril must see that all things be forthcoming which are delivered to him, let what accident soever happen (the act of God, or an enemy, perils and dangers of the seas only excepted) but for fire, thieves, and the like, he must answer; and is in the nature of a *common carrier*; and that though he receives salary, yet is a known and public officer, and one that the law looks upon to answer; and the plaintiff hath his election to charge either master or owners, or both at his pleasure, though he can have but one satisfaction.

If a master shall receive goods at the wharf, or key, or shall send his boat for the same, and they happen to be lost, he shall likewise answer, both by the *marine* and *common law*. See **SHIPS**.

ACCIL, chemistry: some have made use of this word to signify lead. See **LEAD**.

ACCISE, a duty paid at Amsterdam, and in all the states of the United Provinces, for different sorts of merchandize and commodities, as wheat, and other corn, beer, peat or turf, and pit coal. The duties of *accise* on wheat are paid at Amsterdam by the rate of thirty sols the *last*, whether the corn is dear or cheap, besides the duties of entry, which amount to ten florins, exclusive of what the bakers and burghers pay for measuring, brokerage, and carriage to their houses.

ACCOLER, a term in the *French commerce*, importing the making a certain dash of the pen in the margin of a book, account, memorial, inventory, which specifies that several articles are comprehended in the same calculation, or in one only sum, which is drawn out at the margin on the side where the figures are placed that are to be summed up at the end of the page.

EXAMPLE.

Active debts, as well good as bad, due to me by the under-named.

Good.						
By James	-	-	-	-	300l.	} 500l.
By Peter	-	-	-	-	200	
Bad.						
By John	-	-	-	-	400	} 900
By Nicholas	-	-	-	-	500	
					Total	1400l.

ACCOMMODATION, is used both in matters of trade and of law, to signify a friendly agreement or composition between persons at variance, and is frequently brought about by the mediation of common friends, or by a partition of the things in dispute.

ACCOMPT, signifies, in general, all computations made arithmetically, whether by the addition of several sums, or by subtraction, multiplication, or division.

We *account time* by years, months, &c. *distances* by leagues, miles, poles, perches, &c. *weights* by tons, hundreds, quarters, pounds, ounces, drachms, &c. *long measure* by rods, ells, yards, &c. *liquid measure* by tuns, hogheads, pipes, barrels, gallons, quarts, &c. *dry measure* by quarters, bushels, pecks, &c. *money* by pounds, shillings, &c.

Money of account is an imaginary species, continued in several states, to facilitate the keeping of *accounts*; as nobles, angels, marks, were in England, mill-rees in Portugal, &c.

ACCOMPT is also used collectively for the several books which merchants, traders, and bankers keep, and in which they enter all their business, traffic, and bargains, with each other. Hence they say, *to make out an account, to pass accounts*, &c. All merchants in France are obliged to keep books of their *accounts*, and all bankrupts to deliver up theirs. See BOOKS OF ACCOMPTS, BOOK-KEEPING, &c.

These books are kept in the manner of *debtor and creditor*; that is, the *debit*, which is the receipt of the *account*, is wrote on the left-side, or page; and the *credit*, which is the expence, on the right-side, or page. The *debit* side is distinguished by the word Dr. (*Debtor*) which is placed at the beginning of the page, after the name of the debtor; and the *credit* side by the letters Cr. for *creditor*, which is placed opposite the other. The French, instead of the words *debtor* and *creditor*, use the words *doit* (owes) and *avoir* (to have).

There are three kinds of *accounts* absolutely necessary for closing books of double entries; namely, the *accounts* of stock, of profit and loss, and of balance.

The *account* of stock is the particular *account* opened on the debtor and creditor side of the ledger. It contains all the effects of a merchant; that is, his ready money, merchandizes, bills, promissory notes, bonds, contracts, *accounts* settled, real and personal estate, and all in general, that is his own, free and clear of all debts and mortgages.

This kind of *account* is sometimes closed on the debit, and sometimes on the credit side of the *account* of profit and loss. On the debit side, when the loss exceeds the profit; and on the credit side, when the profit exceeds the loss. The *account* of profit and loss is opened upon the ledger. It consists of all the losses and gains made by a merchant in his trade; the losses are written on the debtor, and the profit on the creditor side of the book.

This *account* is generally balanced annually, or when the books are to be closed, in order to the opening of new ones; or when the merchant intends entirely to leave off trade.

To balance the *account* of profit and loss, separate additions must be made of the debtor and creditor sides, and the lesser total subtracted from the greater, of which the remainder, if the profit exceeds the loss, is carried to the credit of the *account* of stock, and to the debit, if the loss exceeds the profit.

The *account* of balance is opened in the ledger, only for the closing of the books. When the books are to be finally closed, it is called the *account* of the final balance; but, when new books are to be opened, it has the name of balance of entry, or balance carried over.

In the final balance *account* all that is due to stock is carried to the debit, and all that is owing from it to the credit; and in the *account* of balance carried over, or of entry, all on the credit of final balance is placed to the debtor, and all on the debit to the creditor; the leaving off, or continuing of trade, making such reversed entries necessary.

The merchants and traders who keep their books by double entries, have one in particular, which they call the *book of accounts current*, wherein they enter copies of all the *accounts* which they make out and send to their

correspondents, in order to have recourse to it occasionally. This book, which is of the number of those commonly denominated auxiliaries, is ruled and kept in the same manner as the ledger. See BOOKS, &c.

Mr. Savary, in his *Parfait Negociant* (*Complete Merchant*) liv. iii. chap. 2. of the second part, lays down excellent rules for clerks, factors, or agents of merchants, or wholesale dealers in France, with respect to the manner of settling *accounts* with retailers, the substance of which is as follows, viz.

I. The clerks, factors, or agents of wholesale dealers ought to go to the houses of the retailers, to whom the merchandizes have been sold, to settle the *account* or bill with them as soon as possible, in order to avoid the difficulties which commonly arise, either with regard to the price, or the measure of goods; for, if that be delayed long, the memory easily fails.

II. In settling *accounts*, they ought to be very careful of what they are about; that is, they ought not to admit tare upon pieces of goods, before they have measured them themselves, in order to see whether they are right, and not to allow any out of complaisance, that being against their master's interest.

III. To settle an *account* regularly, they ought to make an extract from the journal or day-book, containing the numbers, the measures, and the prices, for which the goods were sold.

IV. Finally, in order to have the bill well drawn up, they must compare the extract they carry, with that which was delivered together with the merchandize, to see whether they agree; and upon each article they should set down the tare, if there be any, and the sum to which it amounts: and on their return to the warehouse, they ought to enter it exactly in the book itself, that there may be an agreement between their master's book, and that of the retailer with whom they have settled the *account*. This exactness keeps up the good understanding that should subsist between the merchant and wholesale dealer, and the retailer.

To open an ACCOMPT, is to enter it for the first time into the ledger. This is done by writing in large characters the christian name, surname, and place of abode of the person with whom an *account* is thus opened: afterwards the articles are posted to it, either on the debit or credit side, as affairs occur.

When an *account* is opened in the ledger for any one, his name must be entered at the same time in the alphabet, and the folio of the book set down, where the *account* is entered, for the more easily referring to it.

Merchants, who keep open *accounts* with each other, sometimes agree to honour the bills of exchange, which they draw reciprocally.

To post a sum to ACCOMPT, is to enter into the ledger, either on the debit or credit side, the articles for which persons become either debtors or creditors.

Counterpart of an ACCOMPT, is in the bank stile of France, and in that of the clerks of the offices of the king's farms, the register kept by the controller, wherein he enters and posts all the articles which the book-keeper, if for the bank, or the receiver, if for the king's farms, charges his book with.

Order of an ACCOMPT, is its division into three heads, of receipt, expence, and defalcation; that is, the deduction of such sums as are taken into the *account*, and not received or admitted. The French call it *reprise*.

To examine an ACCOMPT, is to read it exactly, to point the articles of it, and prove the computation, in order to know whether there be any errors, and whether the balance be right. *I have examined your account, it is right, there is nothing to except against it.*

To settle an ACCOMPT, is to cast it up, by calculating every article of it, and balancing the same. In the like sense are used the words to shut, to balance, to close, to make up an *account*. *Accounts* are balanced upon the ledger, on two occasions; the one, when traders settle or adjust affairs with some debtor or creditor, in order to know what is due to them: the other, when it is necessary to carry over *accounts* to some new folio in the same book, or into another, in order to continue them, for want of room in the former.

Prudent merchants ought to settle their *accounts* at the end of every year, in order to open new ones in the beginning of the next.

To place to ACCOMPT (*passer en compte*) is to give credit for a sum received, either of him, or for him. It signifies also to make him debtor for a sum paid to him. Thus in a bill of exchange, the drawer puts sometimes these words after the sum, *Which you'll place to my account, or, To the account of, &c.*

To purge an ACCOMPT, as the French say, is to cause all the disputed articles to be adjudged by a referee, and the objections to be obviated.

Balance of an ACCOMPT, is the sum in which the debt exceeds the credit, or the credit the debt, when the account is duly examined and settled, and the balance taken. *I owe you 300*l.* for the balance of our account. There is so much due to me for the balance of our account.*

ACCOMPT in Bank, is a fund which merchants, traders, bankers, and other private persons, if they think fit, deposit into the common cash of some bank, to be employed in the payment of bills of exchange, promissory notes, bonds, debts contracted, either in trade or otherwise, as by buying estates in land, &c.

To affirm an ACCOMPT, is to declare and make oath that it is true. The accountable when they deliver in their accounts, in order to their being examined, usually write in the margin of the first page, *presented such a day, and affirmed true.*

To dispute an ACCOUNT, is to make remarks or objections upon the several articles of an account, either for augmenting the receipt, or diminishing the expence therein contained.

To note an ACCOMPT, is to make, in the margin of each article, certain remarks, shewing, either that there is no exception to be made, and that the articles are to pass as set down; or to allege reasons for disputing them, and shewing under what conditions they are to pass. The remarks which the person who audits an account sets on the side of each article by way of approbation, or otherwise, are called the notes (*apostilles*) of an account.

ACCOMPT in company, is a species of account between two merchants, or traders, in consequence of a kind of association or partnership between them.

ACCOMPT is also a relative term, used with regard to partnership, where two or more persons make receipts or disbursements on account of each other. In this sense a man is said to keep a good account, to signify that he is just in his dealings, and does not defraud his partners or masters.

ACCOMPT paper, is a sort of fine large paper, so called at the paper mills in France, and by the stationers and others, who trade in paper, because accounts are commonly wrote upon it. It is like our post-paper in England, on which merchants generally write their commercial letters, and draw out their various accounts.

ACCOMPT of Sales, is an account given by one merchant to another, or by one factor to his principal of the disposal, charges, commission, and net produce of certain merchandizes sent for the proper, or company account of him, who consigned the same to such factor or vender.

When the like account is inland or domestic, the same is transmitted in the current money of that country, wherein the business is transacted. As from a Blackwell-hall factor, to the clothiers in the country, or from the warehouse-men in town, who deal by commission for the country manufacturers, as bay-factors, druggist and duroy-factors, and the like.

EXAMPLE.

The following is the natural form of a Blackwell-hall factor's account of sales to a clothier.

Account of Sales, charges, and net produce of twenty pieces of superfine cloths, received per A. B's C & D waggon of —, consigned to me by C. D. | a 20. of Wiltshire, for his account, marked and numbered as per margin.

Dec. 5th, 1765. Sold to E. F. draper, 6 ps. superfines, per A. B. qt. — yards, at — per yard, to pay in six months - - - - £

Dec. 12, 1765. Sold to G. H. 14 ps. ditto, qt. — yards, at — per yard, to pay in six months - - - - - £

CHARGES.

Paid carriage to London - - - £
Porterage and warehouse room - - - £
Postage of letters - - - - £
Commission, a — per cloth - - - £

Deduct charges £ from the sales.

The net produce is passed to the credit of your account, without my prejudice.

London, January 2, 1766.

E. E. N. O.

It must be observed that, in this account of sales, the manufacturer is supposed to run all the hazard in the sales, and that the factor has only his common commission of so much per cloth for the sale thereof. This is plain from the words, *without my prejudice*; the meaning of which is, that if the buyer should fail, the clothier must stand to the loss.

But some manufacturers, perhaps the generality, rather chuse that their factors should run the hazard of bad debts, their residence in town giving them opportunity of knowing the characters of buyers, and inducing them to be the more cautious whom they trust. In which case, the factor is allowed an extra-commission for standing the middle man; which is reasonable.

If the manufacturer chuses to run the hazard himself, then he cannot expect his money before it becomes due from the buyer. But if it should so happen, that he stands in need of some part of his money before that, as is commonly the case, the factor permits him to draw for such a proportion thereof as they shall agree upon, the manufacturer allowing the factor the common provision for thus advancing the money before it becomes due.

Yet, under these circumstances, the factor has the security of the manufacturer, as well as the buyer, as not being allowed extra-commission to induce him to remain answerable for bad debts.

As the generality of manufacturers cannot afford to be so long out of their money, as the usual time of giving credit requires, it is the more ordinary practice for the factor to stand to bad debts, on consideration of having greater commission allowed him on the sales, and to have provision also for what money he advances before the time of payment.

Mr. Loeke says, "that the multiplying of brokers is prejudicial to the trade of any country; that they eat up too great a share of the gains of trade, and therefore, he observes, it would be convenient to hinder, as much as possible, any one from selling any of our native commodities, but he that makes them: shopkeepers in this being worse than gamesters; for they do not only keep so much of the money of a country constantly in their hands, but also make the public pay them for their keeping of it."

These are severe reflections upon shopkeepers, factors, and brokers, and indeed very unjustly grounded. For, if the clothier was to attempt to act both in the capacity of a factor and a woollen draper, who must attend his manufacture in the country? While his attention was fixed in town upon the sales, might not the commodity dwindle and degenerate in quality; and thus the clothier by over-acting his part in one shape, under-acts it in another? Was this maxim in general to take effect, it might prove the ruin of all our manufactures, by gradually debasing them.

Besides, for a clothier to take this upon him, not only requires three times the capital, but such an expence by town residence, as must prove of little benefit to him in the long run; especially, as the nature of credit is at present circumstanced.

It is true, these middle-men between the manufacturer and consumer may be said to be instrumental to enhance the price of our manufactures among ourselves; and this was Mr. Loeke's motive for bearing so hard upon them. But it is much to be doubted, whether the public could have their manufactures cheaper at home, was the clothier to take upon him to act in a three-fold capacity, he being

being obliged to raise the price of his commodity, in proportion to the extraordinary expence he is at.

Manufacturers, who have thought themselves injured by their factors, which doubtless is sometimes the case, have attempted this, but few have found their account in it. Some have carried their view so far as even to turn merchant-exporters, but commonly to their absolute ruin; for the skill of a manufacturer and that of a merchant are very distinct, the knowledge of a Solomon, in one respect, making him but an idiot in the other.

These observations are not to discourage, but to caution, the ingenious and enterprising manufacturer to be upon his guard, and never to undertake too much, either at home or abroad.

Notwithstanding what has been here said, it is much to be desired that our British manufactures may go as cheap to foreign markets as those of our rival nations, which are not superior in point of quality. Upon this principle Mr. Locke reasoned; and it is upon this principle, that merchants of the most money and skill purchase commodities at first hand of the manufacturer, pay him ready cash, and send their goods abroad, with every advantage.

And these exporters of our manufactures, who are not in circumstances to send them abroad at first hand, are an injury, rather than a benefit to the national trade; by injudiciously glutting the markets abroad, which sinks the price too often below what they can afford to sell at; and yet they are importunate for remittances, and thereby force their factors to sell almost at any rate. Such merchants not only hurt the trade of a kingdom, but are sure to hurt themselves, and all who have connexions in trade with them.

Example of a foreign account of sales.

Account of sales and net produce of 2 bales of druggets, received per the *Hollandia*, Capt. Jan. Roeloff Smith, for the account of M. P. of London.

Nov. 4, 1765. Consigned the above two bales of druggets, qt. 112 pieces, qt. 4875 yards, as per factory (i. e. invoice, which is frequently styled so) which a 3 $\frac{1}{2}$ palms per yard, are palms 18280 net, a fols, 9s. 4d. per palm, to pay in two months - - - - -	8530	13	4
Sold and consigned 2 pieces of white druggets for wrappers - - - - -	140	0	0
	8670	13	4
Charges, viz.			
Freight and primage - - - - -	106	5	0
Porters landing and carrying to warehouse - - - - -	6	0	0
Opening to visit, affording and making up - - - - -	4	0	0
Warehouse room - - - - -	8	0	0
Brokerage 2 $\frac{1}{2}$ per cent. - - - - -	43	7	0
To commission and standing to bad debts at 4 per cent. - - - - -	346	16	4
	514	8	4
Agio	8156	5	0
Agio deducted a 118 $\frac{2}{3}$ per cent.	1283	0	2
Genoa this 30th Nov. 1765, E. E.* Bco.	6873	4	10

* E. E. signifies errors excepted in the account rendered, and Bco. signifies the bank money of Genoa.

Foreign accounts of sales of merchandizes, are, or ought to be, governed in some measure by the invoice, sent therewith from the principal. See INVOICE.

Merchants, being injured to hazard from their first setting out in life, send their property to foreign countries with as much alacrity, on the good faith and honour of their correspondents, as a monied man lends his property at home on land-security.

Credit, therefore, is the great foundation of commerce between nation and nation, as well as between one man and another in the same nation. Whence it follows, that the first principle the trader should tenaciously cultivate, is the support of his personal credit.

It too often falls out, that those who take up their residence at foreign factories, no sooner get a house established there, than they use every art to draw people in to send them large consignments of merchandize by commission. To which end, they at first make remittances to their principals in a reasonable time, and give them an handsome profit upon their goods, in order to induce them to increase their consignments.

When they have thus drawn people in to intrust a large fortune in their hands abroad, it is then that they too often begin to use every dishonourable art, to keep them out of their money.

If you press for remittances, you are given to understand, that nothing can procure them but fresh consignments, which have proved the ruin of many; and, if you draw upon them for your property, your credit may suffer by that means at home.

On these considerations, our most opulent and experienced merchants have established houses of their own, at many of the British factories in foreign countries; wherein they breed up a succession of persons, whom they gradually take into partnership, whereby it is their interest to be punctual and faithful.

Such capital houses seldom take commission from any but the persons who are the principals belonging to those houses: and such are generally capable to supply them with whatever goods they are able to send, and those too with that variety of assortments, which engage the natives to give the preference to these houses, in their general dealings.

Other houses, which take commissions in the general, and never give any in return, too often use not a little craft in making out their foreign accounts of sales, by couching great impositions under many of their articles of charges, which they have never paid.

Nor is this the only practice which ought to be guarded against. Goods perhaps may be sold at three or four months credit, or for ready money, and yet the principal kept out of his property for years, by false and frivolous pretences.

These arts are mentioned, with a view only to guard the young and unexperienced from being too easily ensnared; and we hope they will have the good effect thereby intended.

ACCOMPTANT, one who is not only well skilled in casting up all sorts of accounts, and readily performs all arithmetical operations, but who is versed in the art of book-keeping, by charge and discharge, or by debtor and creditor.

This appellation is applicable to a person, or officer, appointed to keep the accounts of a public company, or office; as the *accountant* of the South-Sea, or India company, or of the Bank, the Custom-house, or Excise, &c.

ACCOMPTANT-GENERAL, a new officer in the court of Chancery, appointed by act of parliament, to receive all money lodged in court, in the place of the masters, &c. He is to convey the money to the Bank, and take the same out by order; and shall only keep the account with the Bank; for the Bank is answerable for all money received by them, and not the *accountant-general*. See stat. 12. Geo. I. c. 32. No fees shall be taken by this officer, or his clerks, on pain of being punished for extortion; but they are to be paid salaries, the *accountant-general* 650l. per annum, the first clerk 250l. and the second clerk 120l. out of interest made of part of the suitors money.

ACCOMTANTSHIP, comprehends not only a skill in figures or arithmetic, but a knowledge in the art of *account-keeping* by debtor and creditor, or by the method of regular charge and discharge, according to the nature of the transaction; which method keeps every distinct account, though ever so numerous, always fit for a balance; and that balance is found by subtracting the sum total on the debit side from the sum total on the credit side; or the sum total of the latter from that of the former.

To be fundamentally grounded in arithmetical operations requires a competent acquaintance with geometry and algebra, because the geometric and algebraic way of reasoning discovers certain rules and theorems, whereby to calculate numerically in the most concise manner: and

and to be properly grounded in the nature of debtor and creditor requires a knowledge in the art of keeping *accounts*, according to the method of double entry, or what is commonly distinguished by the Italian method of book-keeping, or by the name of merchants *accounts*.

Hence it may be observed, that no person can be properly said to be duly skilled in *accountantship*, without being skilled in the art of debtor and creditor, as well as in that of numbers : nor, on the other hand, does any one deserve the name of an accountant, who is only acquainted with book-keeping, and not with figures.

The art of *accountantship* is not only applicable to the regular adjustment of the variety of transactions among traders of every denomination, but also to the private affairs of gentlemen and noblemen. And as it well becomes all persons of the greatest distinction to take due care of their estates ; so nothing, perhaps, can have a happier tendency to that end, than a knowledge in the art of debtor and creditor, as well as that of numbers. For, " merchants accounts, says Mr. Locke, though a science not likely to help a gentleman to get an estate, yet possibly there is not any thing of more use and efficacy to make him preserve the estate he has. 'Tis seldom observed, that he who keeps an account of his income and expence, and thereby has continually under view the course of his domestic affairs, lets them run to ruin. And I doubt not but many a man gets behind before he is aware, or runs farther on, when he is once in, for want of this care, or the skill to do it. I would therefore advise all gentlemen to learn perfectly merchants accounts, and not think it a skill that belongs not to them, because it has received its name, and has been chiefly practised by men of traffic."

Nor is *accountantship* less useful to the gentlemen of the law, than to private gentlemen ; and not only to those who are intended for the bar, but to all solicitors and attorneys ; litigations between traders being so considerable a proportion of the business of our courts of law and equity. Without the perfect knowledge of debtor and creditor in particular, accounts may be so craftily and sophistically stated, as to deceive the most upright judge and jury, as well as the counsel, if they are not capable of unravelling them in the course of their pleadings.

Persons of distinction also, who are concerned in the chief posts of the public revenue, or who act in the senatorial capacity, cannot be too well skilled in *accountantship*. The one will thereby be enabled to acquit himself with credit and reputation in whatever branch of the revenue he shall be employed ; and the other will become perfectly acquainted with the finances and money-affairs of the kingdom. For such is the nature and excellency of the mercantile art of debtor and creditor by double entry, that it is as easily applicable to the accounts of nations as to those of traders, or private gentlemen, millions being as familiarly adjusted thereby, as hundreds of pounds. When once a person is acquainted with the several funds from whence the national revenue arises, as likewise their appropriations to the payment of interest to the national creditors ; when it is duly observed in what manner the deficiencies of some funds are occasionally supplied, and the surpluses of others transferred ; when the general heads of such accounts are understood from the statutes, and the accounts annually laid before the parliament are duly attended to, any gentleman, well-grounded in the art of debtor and creditor, may obtain as complete a knowledge of the money-affairs of the nation, as of his own private concerns : that is, when he is master of the facts relating thereunto, and the distinct heads under which the funds are kept, he will be capable so to state these accounts by way of charge and discharge, or debit and credit, as always to have a satisfactory view before him of the state of the national debts and funds, and of the several variations they shall from time to time undergo.

ACCOMPTING-HOUSE, or COMPTING-HOUSE, is a place set apart by merchants, and other traders, wherein to transact their business, and to keep their accounts and vouchers relating thereunto.

It is the custom of the Dutch merchants in Holland to keep a kind of public *compting-house*, for the reception of a number of gentlemen's sons of fortune, more

particularly of the English, Scots, and Irish, who pay there at the rate of one hundred pounds sterling per ann. and continue with them upon that footing from year to year, as long as they please. It is common to see ten, or a dozen, or more of these young people in a Dutch *compting-house* ; some being weak enough to imagine, that a foreign country is the best place to be bred in, in order to understand the British commerce ; and that there are no merchants who reside in England able to qualify their sons so well as foreigners who reside abroad.

An attempt, however, was lately made to introduce something of the like kind of practice, of keeping of a public *compting-house* in our own country ; and accordingly, a treatise was published for that intent, intitled, " The Merchant's Public Compting-house," or, The " New Mercantile Institution ;" wherein is shewn the necessity of young merchants being bred to trade, with greater advantages than they usually are : with a practicable plan for that purpose.

In this plan are digested, in miniature, the various qualifications, which have been judged necessary to form the accomplished British merchant. And however low an idea some may entertain of the abilities of such a trader, it is presumed that, upon the perusal of this tract, they will be of a different opinion. Persons of candour and impartiality, it is imagined, will therein see, that it is not thrusting a young spark into any *compting-house*, either at home or abroad, that is likely to qualify him to save, much less to improve, an handsome fortune by merchandizing.

ACCORD, is an agreement between two persons to give and accept something in satisfaction of a trespass, or offence done by one to the other. This agreement, when executed may be pleaded in bar to an action for the trespass ; for in all personal injuries, the law gives damages, as an equivalent ; and when the party accepts of an equivalent, there is no injury or cause of complaint ; and therefore present satisfaction is a good plea, but if the wrong doer only promises a future satisfaction, the injury continues till satisfaction is actually made ; and consequently there is a cause of complaint in being ; and if the trespass were now barred by this plea, he can have no remedy for the future satisfaction ; for that supposes the injury to have continuance. 1 New. Abr. 22. 5 E. 4. 7. Plowd. 5. b. 1 Roll's Abr. 129. See Raym. 450. 2 Keb. 332. 2 Jones 158, 168.

ACETABULUM, was both a liquid and dry measure among the Romans, and used particularly in medicine. It contained a *cyathus*, as appears from two verses of Fannius, who speaking of the *cyathus*, says that it contains the weight of ten drachms, and the *oxybaphus*, or *acetabulum*, that of fifteen.

Bis quinque hunc (cyathum) faciunt drachmæ, si appendere tentes ;

Oxybaphus fiet, si quinque addantur ad illas.

Du Pinet, in his *Treatise of Ancient Measures*, placed at the head of his translation of Pliny, pretends that the *acetabulum* of oil weighed two ounces and two scruples ; the *acetabulum* of wine, two ounces, two drachms, one grain, and one third of a grain ; and the *acetabulum* of honey, three ounces, three drachms, one scruple and two *siliquæ*, or eight grains.

ACETUM radictum, (Chemistry) is the most acid part of vinegar, after the phlegm has been drawn off from it.

ACHAIA, now *Livadia*, a province of Turkey in Europe, is bound on the north by Epirus and Thessaly, from which it is divided by mount Oeta, now Banina, and by the Euripus, now the strait of Negropont ; on the east by the Archipelago ; on the south it has the gulph of Engia, or Egina, the isthmus of Corinth, and the gulph of Lepanto ; and, on the west, the Ionian sea, and part of Epirus. *Achaia* is at present divided into three parts : namely, 1. *Livadia*, properly so called. 2. *Stramulipa*, or *Straumzupa*. 3. The dutchy of Athens.

A little way out of Thebes there is a hill, where they dig a kind of stone, of which they make bowls for tobacco-pipes. The stone, when it is first dug out of a deep pit, is of the colour of new cheese, and almost as soft, being

being in lumps commonly as big as a man's two fists. This they bring to the town, and cut and carve very curiously into bowls of pipes; and, as soon as dry, it grows very hard, as white as snow, and shining.

The natural sprightliness of the people of Athens, in all the little matters they undertake and transact, shews itself to be something extraordinary, as in buying, selling, and all their domestic affairs; and it is observed by Mr. Wheeler, that so much of their ancient spirit remains, that few towns in Turkey have preserved themselves so well as this, or enjoy greater privileges, under the tyranny of the Turks. Some other cities, indeed, are by trading, more rich: so that it is a wonder, that Athens, though she has had but an equal share in the ill fortune of all those noble cities of the East under the dominion of the Turks, should be inferior to many of them in trade, when she wants neither good harbours, nor good merchandize for general commerce? The revenue of the city is raised upon the *customs*, *caratchs*, or *poll-money*, *weights* of the town, *avaries*, or *amercements*, *tenths*, and *villanies*; these latter are the cups of acorns, with which they tan their leather. They also who carry merchandize to any fair must pay a certain duty to the Veivode, who receives the whole revenues, and pays to the Kislar-Aga, or chief of the Black Eunuchs, 30,000 crowns a year for his place, which yet brings him in 5000 crowns more, all charges and expences defrayed.

Livadia is large and populous, and is inhabited by many rich Turks, who are more numerous here than the Christians; and there are but few Jews. The trade consists in some woollen stuffs, made here, and in rice, which they sell ready husked, and prepared by water mills, and therewith they furnish all the adjacent country. The inhabitants of Megara, who are all Christians, get their living by tilling the ground, for which they have half the crop; the rest goes to the Turks, as their landlords under the Grand Seignior. They also make pitch, and saw boards and planks, out of the pines and firs, which grow in great abundance on the mountains about there.

The trade of Salona consists in some cotton, but chiefly in tobacco; of which 15 *oka's* are worth but one dollar: and an *oka* weighs about 42 ounces. The little trade they have at Delphos, now Castri, consists of cotton and tobacco; their wine is exceeding good.

The trade of Lepanto consists in leather, oil, tobacco, rice, barley, and wheat: furs are also pretty cheap here. On each side of the city, under a mountain, are fruitful vallies, which stretch out towards the sea. That to the westward is well planted with olives, vineyards, and corn; and that to the eastward is equally well planted, and divided into gardens of oranges, citrons, and lemons. The wine here is the best in Greece. All ships that pass out of the gulph of Petras pay three per cent. custom to the Emir, who pays 6000 crowns rent per annum for his office.

ACHEM, situated in the northernmost part of Sumatra, is the capital of a large kingdom, and almost of all the isle; being the most healthy place, as the others have generally a bad air, from the waters and lowness of the lands. Here it is that foreigners transact the greatest business, and the road is seldom without some English, Dutch, Portuguese, Danish, Chinese, Guzarates, Arabian, Persian, Abyssin, and other ships, from many places of India and China. The goods they bring here are gold and silken stuffs, muslins, painted linnens, cotton, unspun silk, fish, butter, oil, arms and warlike stores, silver, and more especially rice (which the English, Dutch, Danes, and Chinese, bring in large quantities, this part of the isle being intirely destitute of it) white, red, and blue salampouris, percalles, spices, and opium, brought from Bengal.

The Dutch have four or five forts and factories in the dominions of the king of Achem, and those of some other petty princes; among which are *Padang* on the western coast, and *Palimbang* and *Jambi*, on the eastern, a little within land, which in a manner renders them masters of the pepper and gold trade.

ACHIA, a kind of cane that grows in the East-Indies, which is pickled green in the country, with strong vine-

gar, pepper, and some other spices and ingredients. This pickle comes to Europe in a sort of earthen jars, about a foot high, and the same in breadth, growing narrower at the mouth. The pieces of cane are an inch and an half in diameter, and a little above two inches long, almost of the same consistence with pickled cucumbers, being no less crisp, and cutting as well. They are of a pale yellow colour; and, instead of pulps, their inside is a close, fibrous substance, like that of the common canes, when the outside coat is off. The Dutch bring home great quantities of this pickle, which their cold climate makes them think wholesome. They generally eat it towards the end of their meals, judging it very good to quicken the appetite, and strengthen the stomach, by reason of the strong vinegar, lemon, pepper, and other spices, of which the pickle is compounded, and in which the *achia* must always lie, in order to keep it, give it a sharp taste, and make it very hot and fiery.

ACHIAR, a *Malayan* word, much of the same import with the preceding article, as signifying all sorts of fruits and roots, pickled with vinegar and spice. The Dutch import from Batavia all sorts of *achiar*, which the Chinese prepare after the manner of the Malaysians, particularly that of *bambae*, a kind of extraordinary thick cane, which grows in the East-Indies, and is preserved there, whilst still green, as above related, with very strong vinegar and spice. This is called *bambae-achiar*; but the name changes according to the fruit with which the *achiar* is made. The *achiar* is greatly esteemed throughout the East-Indies, and a prodigious trade driven in it. The best comes from Persia, and is preserved in bottles, almost after the same manner as those small cucumbers are in France, which they call *cornichons*. Each sort of fruit is not preserved by itself, but several sorts are often put together into the same bottle.

ACHIOTL, a name given by the Brazilians to a drug used in dyeing, more commonly known by the name of *Rocou*. See *Rocou*.

ACHITH, a sort of vine of the island of Madagascar, which produces a fruit called *voachit*, of the size of a green grape, which ripens in December, January, and February.

ACHLADES, a kind of wild pear, that grows on the mountains of Crete. *Ray*.

ACHOAVAN, or ACHOAVA, a plant so called, that is common in Egypt. It is less high than the *camomile*, but nearly resembles it by its flower, and the *matricaria* by its leaf. *Prosper. Alpin*.

ACHOUROU, a kind of laurel that grows in America, and is called *Indian-wood*. It rises high, is hard, red, and is used in solid works. Its leaves and fruit are aromatic. The decoction of its leaves is taken for diseases of the nerves, and in the dropy. Its fruit which has the figure of a bunch of grapes, and of which the berries are rather oval than round, is full of juice, of a deep violet colour, and covered with a thin skin. It contains green and violet seeds in the shape of a kidney: the flesh of the birds that eat of it, contracts a violet hue, and is bitter to the taste. *Med. Diction*.

ACHTELING, a liquid measure used in Germany: thirty-two achtelings make one heemer. Four schiltens make one achteling.

ACHTENDEELEN, a corn measure used in some parts of Holland. Two hoeds of Gorcum make five achtendeelens; twenty-eight achtendeelens of Asperen make thirty-two of Rotterdam, and only twenty-six of Worcum; twenty-nine achtendeelens of Delft make twelve viertels of Antwerp; and four achtendeelens $\frac{3}{4}$ of Delft, make the hoed of Bruges. This measure is equal to 536 pounds avoirdupois weight.

ACICOCA, an herb that grows in Peru, and is sometimes substituted to the herb *Paraguay*, and believed to contain the same properties. Great quantities of it are yearly carried from Lima, and other parts of Peru, to the city of Avira, from whence it is sent to Potosi, especially when that of Paraguay is very scarce, and consequently dear.

ACKRAM, or ACRON, is a town in Africa on the Guinea coast, not far from Bregu or Berku, and its

principal traffic consists in gold dust, which the inhabitants give in exchange for red cloth, pots, kettles, basons, and other copper kitchen utensils.

ACMELLA, a plant that comes from the island of Ceylon, where it is common. Its character, according to P. Hotton, professor of botany at Leyden, is as follows. The flowers of this plant grow out of the extremity of the stalks, and are composed of a great number of small yellow flowers, radiated, and forming by their union a head borne upon a cup with five leaves. When those flowers fall, they are succeeded by seeds of a dark grey colour, long and smooth, except those at the summit, and furnished with a double beard, which makes them forked; the stalk is square, and covered with leaves growing in pairs, like those of the dead nettle, but longer and more pointed.

Its virtue, or that which is attributed to it, of curing the stone by dissolving it, has made it very famous. In 1690 a Dutch officer assured the Dutch East-India company, that he had cured upwards of a hundred persons of the nephritis, and even of the stone, by the use only of this plant. This testimony was confirmed by that of the governor of Ceylon. In 1699, the hospital-surgeon of Colombo wrote an account of the same circumstances concerning the *acmella* to P. Hotton, distinguishing in his letter three different sorts, particularly by the colour of the leaves, and recommending the sort with black seeds and large leaves.

The leaves are plucked before the flowers appear; and being dried in the sun, are taken pulverized in tea, or some other proper vehicle: or the root, stalks, and branches, are infused in spirit of wine, which is afterwards distilled. The flowers, extract, root, and salts of this plant, are used in the pleurisy, cholics, and fevers.

As a plant of such importance cannot be too well known, we shall add to the foregoing description that of Breyne. This author says, that its root is fibrous and white, its stalk square and about a foot high; that it is divided into several branches; that its leaves are long, pointed, uneven, and with small incisions; and that its flowers shoot out of the extremities of its branches. The same author adds, that a patient may take two or three times a day the tincture of *acmella* prepared with spirit of wine in a glass of French or Rhenish wine, or in some antinephritic decoction, to facilitate the coming forth of the gravel and stone.

We cannot too much invite naturalists to make researches into the properties of this plant. What a blessing it would be for mankind, if those were really discovered which are attributed to it, and who should deserve more to have his name immortalized than him who had devoted himself to this study? Perhaps for this purpose a voyage to Ceylon would be expedient. Animal substances assume singular qualities by the use animals make of certain aliments rather than others; and why should it not be the same with vegetable substances? But if this induction is reasonable, it follows that such a plant gathered on one side of a mountain shall have a virtue which will not be found in the same plant gathered on the other side; that such a plant had formerly a property it has not now, and which perhaps it will never have again; that fruits, vegetables, and animals are in a perpetual fluctuation in regard to their qualities, forms, and elements; that one existing four thousand years ago, or rather our posterity ten thousand years hence, would not know perhaps any of the fruits we now have, by comparing them with the most exact descriptions we make of them; and that consequently we should be very reserved in the judgments we form on the passages, wherein ancient historians and naturalists entertain us with an account of the form, virtues, and other qualities of beings that are in a perpetual motion of alteration. But, it may be said, if salubrious aliments degenerate into poison, what shall animals live upon? Two answers may be made to this objection; the first, that the form and constitution of animals by altering in the same proportion, and by the same insensible degrees, the one will be always suitable to the other; the second, that if a substance happened to degenerate with too much rapidity, animals would relin-

quish the use of it. It is said that the *malum persicum*, or the *peach*, came to us from Persia as a poison, which, however, in our climate, is an excellent fruit, and a very wholesome aliment.

ACOMAS, a tall thick tree of America, with a broad leaf, its fruit like the olive, of a yellow colour, and bitter taste. This tree is used for ship-building, and beams are had from it eighteen inches in diameter, and sixty feet in length.

ACONITUM, the *Monk's-hood*, or *Wolf's-bane*, is a plant with irregular flowers shaped like an helmet or cowl, which are succeeded by several seed-vessels. The species of *monk's-hood* made use of in medicine, is the *anthora*, which is esteemed an antidote to those which are poisonous; so whenever *aconite* is prescribed, this sort is always intended. It is the root only which is used, and at present is never prescribed in England; for though some persons have accounted it a good antidote to expel the poison of the *napellus*, or *wolf's-bane*, as also to be of service against the plague, yet as most of the other species are a deadly poison not only to men, but to brutes also, so few persons care to make use of a plant in medicine upon so slender authority, especially as there is danger of having one of the other species substituted for it. However, we are assured that the peasants of the Alps and the Pyrenees make use of it against the bite of mad dogs and the cholick. It is therefore alexiterial, cordial, stomachic, and good for the wind cholick. It contains a great deal of oil and essential volatile salt. The *napellus* coagulates the blood, the wholesome *aconite* acts by dividing the humours.

ACORI, or BLUE CORAL. The true *acori* is very scarce; some of it, however, is fished up upon the coast of Africa, particularly from *Rio-del-re*, to the river of the *Camarones*. This coral makes part of the merchandise which the Dutch trade for with the *Camarones*. That of the kingdom of Benin is also very much esteemed. It grows in the form of a tree upon a rocky bottom. See CORAL.

ACORUS, the *Sweet Rush*, has a simple cylindrical stalk, which is closely covered with small flowers, so as to form a sort of catkin, or *julus*. These flowers have no empalement, but are composed of six concave obtuse petals. In the center of the flowers is situated a swelling germen, attended by six stamina, which are extended beyond the petals, and are crowned with thick double summits; the germen afterwards turns to a short triangular capsule, having three cells, in which are lodged oval oblong seeds.

We have but one species of this plant, which is the sweet smelling flag, or *calamus*, and this is the true *acorus* of the shops. It grows naturally in standing waters which are shallow, and is found wild in some parts of England, particularly in Norfolk, and also near Uxbridge in Middlesex, and in several parts of the north. In Holland, this plant abounds in most of their ditches and standing waters. The leaves, when broken, emit a strong aromatic scent; but the roots, which are much stronger, have been long used in medicine. This may be transplanted into a garden, where if the ground be moist, it will grow very well; but never produces its spike, unless it grows in the water. It loves an open situation, and will not thrive well under the shade of trees. The roots, which are used in medicine, are hot and dry, opening and attenuating, and thus are esteemed good for removing obstructions of the liver and spleen, to provoke urine and the menses, as also to resist putrefaction, and to be good against any contagion or pestilence. *Miller*.

The *Indian Acorus*, according to *Pomet*, is a reed or knotty root, reddish without, and white within, with long filaments or fibrous strings, of a slight substance, and bearing long, narrow, green leaves, with a fruit about three inches long, of the size and figure of long pepper. The root is usually of the thickness of the little finger, and near half a foot in length. It comes to us from Poland and Tartary, and even from the island of Java, where it is called *diringo*. It is likewise of use in medicine, being one of the ingredients used in the composition of Venice treacle. The perfumers also make much use of it. This sort should be

be chosen new, plump, cleared of its filaments, hard to break, of a sharp taste, attended with a pleasant bitterness, and a sweet aromatic scent.

ACQUIESCENCE, in the French commerce, signifies the consent that a merchant, or other person, gives to carry into execution the determination given either by arbitration, or by a consul, or by any other resolution, in the course of justice. There is no receding from such a judgment or sentence, after an acquiescence, or agreement thereto.

ACQUIT, a discharge, or release, usually denominated in England a receipt. In France and in the Austrian Netherlands, it has various significations in the affairs of their custom-houses.

ACQUIT à caution, is a certificate delivered to any person who enters into an obligation, that a bale of merchandize, transported from any sea-port where the duties of importation have not been levied, shall be subject to the payment of these duties on its arrival at the place of its destination: when this certificate is granted, the bale is stamped with a leaden stamp, bearing the arms of the sovereign or state in whose territories the certificate is demanded; and being accompanied with the certificate, the bale is exempted from visitation on the road; but the certificate must be produced and signed by the proper officer attending at every *comptoir*, or petty custom-house, on the road, of which there are great numbers in France and Flanders, in different districts, and often at very small distances; the least omission of formalities annuls the *acquit à caution*, and subjects the merchandize to confiscation; and this is frequently the case with strangers in Flanders, who omitting to produce and to have these certificates signed on the road, are brought into great difficulties, especially as these *acquits* are sometimes given to passengers for their baggage in passing through foreign countries.

ACQUIT à caution de transit, is a certificate to exempt particular merchandize from the payment of the duties of importation or exportation in passing through the dominions of one sovereign, or state, to another, pursuant to particular contracts, or treaties of commerce, subsisting between them.

ACQUIT de franchise, or of privilege, is a certificate exempting merchandize from the duties on exportation, which have been bought during the time of the privileges of public fairs, and are sent out of the kingdom within the term of holding the said fairs.

ACQUIT de payment, is a certificate in which mention is made of the quantity, weight, marks, &c. of merchandize, with the names of the persons to whom it is forwarded, the amount of the duties levied, of the method of conveyance, of the road to be taken, and of the place of destination; the time also is limited wherein the merchandize ought to arrive at the last *comptoir*, or custom-house, on the road, saving unavoidable delays, and the certificate is to be produced at every office on the road, that the clerk may sign it, and write the word *vu*, or *seen*, with the date; and an omission of this formality subjects the merchandize to a repayment of the duties already levied; or to confiscation, if any fraudulent intention is discovered in delays on the road, or concealment of the *acquit* from the officers appointed to sign it.

ACQUIT, among the French merchants, signifies also a receipt. Paid such a one, by *acquittance*, of such a day; that is, upon receipt, or *acquittance*. When a banker, or any other person, gives to a servant, or porter, a bill of exchange that is due, in order to go and receive the payment of it, he generally indorses it in blank; that is, leaving a void space above his name, that the receipt may be wrote there. But one must always take care, with regard to those blank indorsements, to put the word, *pour acquit*, for receipt, or *acquittance*, under his name, that the void space may not be filled up with an order payable to another, which might be attended with very bad consequences. The French merchants likewise say, to *acquit* bills of exchange, promissory notes, bonds, &c. that is, to pay them.

ACQUITTANCE, a release, or discharge, in writing of a payment, debt, or any other thing we are obliged to pay or perform. Some *acquittances* are made before a notary public, and others only under a person's private

sign manual; they are both equally good, but not equally safe with regard to what may happen afterwards, the latter being sometimes liable to very great inconveniences.

The receipt wrote on the back of a bill of exchange that is paid, is properly a true *acquittance*.

An *acquittance* in law ought to be a deed sealed, though in common practice it is otherwise. 3 Salk. 298. pl. 2. If signed only, and not sealed, it is only an evidence or proof of payment, and no pleadable *acquittance*, because it is no deed, and so as to differ in nothing from proof by witnesses, only that it is not mortal as they are. Wentw. Off. of Executors, 217.

It is observed, that a general receipt, or *acquittance* in full of all demands, will discharge all debts, except such as are on specialty, viz. bonds, bills, and other instruments, sealed and delivered; on which account, those can only be destroyed by some other specialty of equal force, such as a general release, &c. See 2 Cro. 650

In what cases payment may be refused without an acquittance given.

The obligor is not bound to pay without *acquittance* upon a single obligation; nor is he obliged to pay the money before he hath the *acquittance*: but in case of an obligation with condition, it is otherwise; for there one may aver payment. Bro. Obligation, pl. 10. And by stat. 3 and 4 Ann. c. 16. If an action of debt is brought upon a single bill, and the defendant hath paid the money, such payment may be pleaded in bar of the action.

If one is bound in a statute-merchant, or bond, for payment of money, he is not bound to pay it, unless the consue, or obligee, will deliver a release, or *acquittance*. Bro. Fait, pl. 77.

It was said, that in debt upon an obligation, it is a good plea that the defendant has been always ready to pay, &c. if he could have *acquittance*. Br. Tout temps. pl. 39.

In case of a grant of a barc annuity, where the grantee has no remedy by distress, there must be an *acquittance* under seal; otherwise it is not of so high a nature as the grant; per Hale Ch. B. *Hard.* in *Wilson's* case.

When plea of payment without an acquittance may be good.

In debt, the defendant pleaded *acquittance*; the plaintiff said, that the *acquittance* was for another 10l. *absque hoc*, that it was for this 10l. and a good plea. Br. Traverse, pl. 318.

Debt upon indenture of covenants, where the defendant had covenanted to do several things, and the plaintiff likewise to do several other things, *ad quas quidem conventiones perimplendas uterque obligatur alteri* in 100l. and the one broke the covenant, by which the other brought debt; and the defendant pleaded payment of 10l. at D. which was all to which he was bound; judgment *fit assise*; and no plea *per cur.* because he does not shew a deed thereof; whereas the plaintiff declared upon the indenture which is made. And yet *contra*, in pleading of payment of rent reserved upon a lease for years made by indenture; for there he may levy it by distress, and therefore averment may come in ure. Bro. Dette, pl. 173.

One by indenture was bound to pay a sum of money, and in an action of debt thereupon, the defendant pleaded payment; and without *acquittance*, per Montague, this is no good plea; for this indenture is like a simple obligation, payment whereof is no plea without *acquittance*. But it is otherwise, if the obligation be with condition. Dyer 25. b. pl. 160.

ACRE, or **LACRE**. This word is said to be corrupted, and to come from *lack*, which is the true word. It is in use only in the dominions of the Mogul, in regard to his revenues, and signifies the sum of 100,000 roupies; the roupie is of the value of our half-crown. An 100 lacks of roupies make a *couron* in Indostan, or 10,000,000 of roupies; the pound sterling is about eight roupies; according to which, a *lack of roupies* amounts to 12,500 l. sterling, which is more than M. Savary reckons it, by 1,250 l. sterling. This, perhaps, may proceed from the different roupies by which they reckon in that country, and from the variation of their value. The current

current roupies of Surat and Bengal are worth commonly thirty fols of Holland, which is the value of the French crown of three livres.

ACRE, is the universal measure of land in England; and in all bargains and sales of land, the number of acres is mentioned. An acre in England contains four square roods, a rood forty perches or poles; so that it is exactly the same with an acre of woods in Normandy and other parts of France. A Welch acre contains commonly two English ones.

To give a more accurate account of the acre in England, we shall observe, that it is a quantity of land containing in length forty perches, and in breadth four perches; or in proportion to it, be the length or breadth more or less; that is, it is always equal to 160 square perches, whatever figure the land is of, whether square, triangular, or any way irregular. By the custom of some countries the perch differs in quantity, and consequently the acres of land. It is commonly but sixteen feet and a half; but, in Staffordshire, it is twenty-four feet. According to the statute 34 Henry VIII. concerning the sowing of flax, it is declared, that 160 perches make an acre, which is 40 multiplied by 4; and the ordinance of measuring land, 31 Edward I. agrees with this account. This, however, has been altered by custom in several places of this kingdom, by varying perches in the number of feet to 18, 20, 24, and even sometimes 28 feet per perch.

Sir William Petty has calculated, in his *Political Arithmetic*, that England contains 39,038,500 acres; the United Provinces 4,382,000, &c.

ACT of Trade and Navigation. It is hereby enacted, that after the 1st of December, 1660, no goods or commodities whatsoever shall be imported into, or exported out of, any of the English colonies (or that should afterwards become so) in Asia, Africa, or America, but on vessels which do truly belong to the people of England, Ireland, Wales, or Berwick upon Tweed, and navigated with a master, and three fourths of English sailors, under the penalty of forfeiting ship and cargo.

2. No person born out of the allegiance of his majesty, who is not naturalized or made a free denizen, shall, after the 1st of February, 1661, act as a merchant or factor in any of the said places, upon pain of losing all his goods and chattels, and of these clauses the governors are obliged by oath to take cognizance and care.

3. No goods or commodities whatever, of the growth or manufacture of Africa, Asia, and America, shall be imported into England, Ireland, Wales, the islands of Guernsey and Jersey, or town of Berwick upon Tweed, in any other ships but those belonging to the said places, or to the plantations, and navigated in the manner aforesaid, under penalty of forfeiting ship and cargo.

4. No goods or commodities of a foreign growth or manufacture shall be brought into England, Ireland, Wales, the islands of Guernsey and Jersey, or town of Berwick upon Tweed, in ships appertaining to his majesty's subjects, but from the places of their manufactures and growths.

5. That all sorts of ling, stock-fish, pilchards, cod, and herring, or any other kind of dried or salted fish, usually caught by the people of England, Ireland, Wales, or town of Berwick upon Tweed, or any fish-oil, or blubber, whale-fins, or whale-bones, not imported by ships belonging to the said places, shall pay double aliens duties.

6. Henceforth it shall not be lawful for any vessel, in which any stranger (not denizenized or naturalized) is an owner, or that is not navigated by an English master, and three fourths English sailors, to load or carry any sorts of goods or commodities from any port or creek of England, Ireland, Wales, islands of Guernsey or Jersey, or town of Berwick upon Tweed, to another port or creek, of any of them, under penalty of forfeiting ship and cargo.

7. That where any ease, abatement, or privilege is given in the book of rates, to goods or commodities imported or exported in English-built shipping, it shall extend only to such as are navigated with a master and three fourths of the sailors English; and, where it is required that they shall be so, the true intent and meaning is, that they be such during the whole voyage, un-

less in case of sickness, death, or being taken prisoners, to be proved by the oath of the master or other chief officer.

8. No goods or commodities of the growth or manufacture of Muscovy, or any of the dominions of the emperor thereof, or any sorts of masts, timber, or boards, foreign salt, pitch, tar, rosin, hemp or flax, raisins, figs, prunes, olive oils, nor any sort of corn or grain, sugar, pot-ashes, wines, vinegar, or spirits called *aqua vite*, or brandy, shall, after the 1st of April, 1661, be imported into England, Ireland, Wales, or town of Berwick upon Tweed, in any ships but such as belong to the people thereof, and navigated as before mentioned; and that no currants, nor any other commodities, of the growth or manufacture of any part of the Turkish empire, shall, after the 1st of September, 1661, be imported into any of the aforesaid places, in any but an English-built ship, and navigated as aforesaid, except only in such foreign ships as are the built of that country or place, of which the goods are the growth or manufacture, or of such port where the said goods can only be, or most usually are, first shipped for transportation, and whereof the master and three fourths of the mariners, at least, are of the said country or place, under penalty of losing ship and goods.

9. And to prevent the great frauds daily used in colouring and concealing aliens goods, all wines of the growth of France or Germany, which after the 20th of October, 1660, shall be imported into any of the ports or places aforesaid, in any other ships than those belonging to them, and navigated with the mariners thereof, shall be deemed aliens goods, and pay customs accordingly: and all sorts of masts, timber, or boards, as also all foreign salts, pitch, tar, rosin, hemp, flax, raisins, figs, prunes, olive oils, all sorts of corn or grain, sugar, pot-ashes, spirits, commonly called brandy, or *aqua vite*, wines of the growth of Spain, the Canaries, Portugal, Madeira, or Western Islands; and all the goods of the growth or manufacture of Muscovy or Russia, which, after the 1st of April, 1661, shall be imported into any of the aforesaid places, in any other than such shipping, and so navigated; and all currants and Turkey commodities, which, after the 1st of September, 1661, shall be imported into any of the aforesaid places, in any other than English built shipping, and navigated as aforesaid, shall be deemed aliens goods, and pay accordingly.

10. And for the prevention of all frauds in buying of foreign ships, it is enacted, that, from the 1st of April, 1661, no foreign-built ship whatsoever shall be deemed an English, or enjoy the privilege of one, until such time that he or they claiming the said ship, shall make appear by the chief officer of the customs, in the port next to the place of his or their abode, that he or they are not aliens, and shall have taken an oath, (which the officer is hereby authorized to administer) that such ship was by him or them bought for a valuable consideration, expressing the sum, as also the time, place, and persons from whom it was bought, and who are his part-owners, if he has any; all which part-owners shall be liable to take the said oath before the chief officer of the custom-house, of the port next to the place of their abode; and, that no foreigner, directly or indirectly, hath any share or interest therein; and, upon such oath, he or they shall receive a certificate under the hand and seal of the said chief officer, that the said ship may surely be deemed as a ship belonging to that port, and enjoy the privilege of such a ship, and the officer shall keep a register of all such certificates as they shall give, and return a duplicate thereof to the chief officers of the customs of London, for such as shall be granted in England, Wales, and Berwick, and to the chief officers of the customs at Dublin, for such as shall be given in Ireland, together with the names of the persons from whom such ship was bought, and the sum of money which was paid for her, as also the names of all such who are part-owners of her, if any such be.

11. It is likewise enacted, that if any officer of the customs shall, after the said 1st of April, allow the privilege of an English-built ship, to any foreign built one, until such certificate be produced, or oath taken, and until examination be made whether the master and three fourths of the sailors be English, or shall allow the privileges

privileges given by this act to any foreign-built ship, bringing the commodities of the growth of the country where it was built, until examination and proof, whether it be a ship of the built of that country, and that the master and three fourths of the mariners are of that country; or if any governor of any of the plantations shall suffer any foreign-built ship to load or unload any foreign commodities or goods within the precincts of their government, until such certificates shall be produced to them, or those appointed by them, and examination is made whether the master and three fourths of the mariners be English; such officer of the customs, or such governors, shall be displaced for the first offence.

12. It is however, provided, that this act, nor any thing herein contained, extend not, or be meant to restrain and prohibit the importation of any of the commodities of the Straights or Levant seas, laden in English built shipping, and whereof the master and three fourths of the mariners be English, from the usual ports or places for lading of them heretofore, within the said Straights or Levant seas, though the said commodities be not of the very growth of the said places.

13. Provided also, that this act, or any thing therein contained, extend not to restrain the importing of any East-India commodities, laden in English-built shipping, and whereof the master and three fourths of the mariners are English, from the usual places for lading of them in any part of those seas to the southward and eastward of *Cabo bona Speranza*, although the said ports be not the very places of their growth.

14. And it is likewise provided, that it shall be lawful for any of the people of England, Ireland, Wales, islands of Guernsey or Jersey, or Berwick upon Tweed, in their ships, navigated with a master and three fourths English sailors, to bring in from any of the ports of Spain, Portugal, the Azores, Madeira, or Canary Islands, all sorts of goods or commodities of the growth or manufacture of either of them.

15. Provided always, that this act extend not to bullion, nor yet to any goods taken by way of reprisal by any English ship, navigated as before mentioned, and with his majesty's commission.

16. Nothing in this act shall extend to lay alien duties upon any corn of the growth of Scotland, or any salt made there, or any fish caught and cured by the people of that kingdom, and imported directly from thence in Scotch-built vessels, and sailed with a master and three fourths of the mariners of his majesty's subjects; nor to any seal-oil of Russia, imported from thence into England, Ireland, Wales, or Berwick upon Tweed, in shipping thereunto belonging, and navigated as aforesaid.

17. And it is hereby enacted, that any vessel belonging to any subject of the French king, which after the 20th of October, 1660, shall come into any port, creek, &c. of England, Ireland, Wales, or Berwick upon Tweed, and shall there lade or unlade any goods or commodities, or take in, or set on shore, any passengers, shall pay to the collector of his majesty's customs in such port, &c. for every ton of the ship's burthen, to be computed by the officer thereunto appointed, the sum of five shillings, of current-money of England; and that no such ship be suffered to depart out of such port, &c. until the said duty be fully paid; and that this duty shall continue to be collected for such time, as a certain duty, fifty shillings per ton, lately imposed by the French king, or any part thereof, shall continue to be collected upon the shipping of England lading in France, and three months after, and no longer.

18. And it is farther enacted, that after the 1st of April, 1661, no sugars, tobacco, cotton-wool, indigo, ginger, fustic, or other dying wood, of the growth or manufactures of any English plantations in America, Asia, or Africa, shall be carried from any of the said English plantations, to any place whatsoever, other than to such other English plantations as do belong to his majesty, or to the kingdom of England, Ireland, Wales, or Berwick upon Tweed, there to be laid on shore, under the penalty of forfeiting ship and goods.

19. And for every ship, which after the 25th of December, 1660, shall set out from England, Ireland, Wales, or Berwick upon Tweed, for any English plan-

tation in America, Asia, or Africa, sufficient bond shall be given with one surety to the chief officers of the custom-house of such port from whence the said ship shall sail, to the value of one thousand pounds, if the said ship be of less burthen than one hundred tons, and of two thousand pounds, if the said ship be of greater burthen; that in case the said ship shall load any of the said commodities at any of the said English plantations, that the said commodities shall be brought by the said ship to some port of England, Ireland, Wales, or to the port of Berwick upon Tweed, and shall there put on shore the same, the danger of the seas only excepted: and for all ships coming from any other port or place to any of the aforesaid plantations, who by this act are permitted to trade there, that the governor of such English plantations shall, before the said ship be permitted to load any of the said commodities, take bond in the manner, and to the value aforesaid, for each respective ship, that such ship shall carry all the aforesaid goods that shall be laden on board to some other of his majesty's English plantations, or to England, Ireland, Wales, or Berwick upon Tweed: and that every ship which shall load any of the aforesaid goods, until such bond be given to the governor, or certificate produced from the officers of any custom-house in England, &c. that such bonds have been there duly given, shall be forfeited; and the said governors shall twice in every year, after the 1st of January, 1660, return true copies of all such bonds to the chief officer of the customs in London.

ACTION, a right which any person has to sue for any demand or pretension at law. It is also said of *actions* entered against a person, and of the proceedings carried on for asserting and proving one's right.

The design of entering into society being the protection of our persons and security of our property, men in civil society have a right, and indeed are obliged to apply to the public for redress, when they are injured; for were they allowed to be their own carvers, or to make reprisals, which they might do in the state of nature; such permission would introduce all that inconvenience which the state of nature endured; and which government was at first invented to prevent. Hence therefore they are obliged to submit to the public the measure of their damages, and to have recourse to the law and the courts of justice, which are appointed to give them ease in their affairs; and this application is what we call bringing an *action*. 1 *New Abr.* 26.

ACTION, on the case. It has been observed, that for every injury done a man in his person, reputation, or property, the party hath a remedy; but this remedy he must take according to the methods laid down, and rules prescribed by the law; for which purpose there are writs framed, and settled actions to which he must apply; as debt upon a contract, trespass on a manifest and open invasion of property, &c. but where the law has made no provision, or rather, where no general action could well be framed before-hand, the ways of injuring, and methods of deceiving being so various, every person is allowed to bring a special action on his own case. 1 *New Abr.* 44. *Co. Lit.* 56. a. 6 *Mod.* 53, 54. Nor is it any objection that such action was never brought before; as where the lessor coming to view the lands, to see if any waste was committed, being hindered by a stranger from entering the premises, brought an *action on the case* against him; and it was held to lie, though such action had never been brought before. *Cro. Jac.* 478. 1 *Roll. Abr.* 108, 109. 2 *Roll. Rep.* 311. See 6 *Mod.* 53. and *Lit. sect.* 108. Where, *per Littleton*, no action having been brought on the statute of Morton, it is to be presumed that no action will lie: and *Co. Lit.* 81. b. *per Lord Coke*, non-usage is a good interpreter of a law. But *per Holt*, Ch. Just. wherever an act of parliament gives a right, the common law gives a remedy; so where the common law gives a right, or makes a thing an injury, the same law gives a remedy or action. 1 *Salk.* 20, 21. 6 *Mod.* 54.

ACTION on the case, against carriers, and upon the custom of England. If a man delivers goods to a common carrier to carry to a certain place; if he loses them, an *action on the case* lies against him; for by the common custom of the realm, he ought to carry them safely. If a man delivers goods to a common hoyman, who is a common

common carrier of goods, to carry them to a certain place, and gives him according to the custom for the carriage of them, and after by default of good keeping of them they are lost, an action upon the case lies against him; for, by the common custom of the realm, he ought to keep and carry them safely. *Hob. 25.*

And if a man delivers goods to such common hoyman to carry to a place, and after delivers them (being of good value) to another to keep safely in the boat, and does not discharge the hoyman, and after they are lost through negligence, an action upon the case lies against him. *Hob. 25. Cro. Jac. 330. pl. 9. S. C.* says the defendant confessed the receipt, and said he was a common barge-man; but that he fearing to carry it, delivered it to J. D. to carry it, and that he gave notice thereof to the plaintiff, and he agreed thereto, and discharged him of the carriage. The plaintiff traversed the discharging him, and adjudged for the plaintiff; for the delivery by his assent is not material; but the only matter traversable is the discharge, which is issuable, and found for the plaintiff; and the judgment was affirmed on error brought.

In account for wares delivered *ad merchandizandum*; the defendant pleaded, that he was robbed of those goods, and of many more of his own goods; it was held, that this might be a good plea for a factor or for a servant, but not for a common carrier, because he receives a premium for the charge. *Moor 462. Woodcliffe's case.*

A carrier agreed to carry goods of the plaintiff from H. to London, paying him for the carriage, and in action on the case brought against the carrier, the plaintiff declared against him for not carrying goods, and that *paratus fuit solvere*; it was objected, that the declaration was ill, for he should have set forth, that he had paid for the carriage, or had tendered the money; but the plaintiff had judgment. *2 Roll. Rep. 466.*

Case, &c. by the plaintiff, who was a merchant, setting forth, that by the common law every lighterman ought to govern his lighter, that the merchants goods come to no damage; that the plaintiff was a merchant, and the defendant a lighterman, and that he had carried the plaintiff's goods from such a place to such a place for hire, viz. for so much money, and that he had so negligently governed his lighter that the goods were damaged; after a verdict for the plaintiff, it was objected, that the action would not lie, because the plaintiff had not averred, that the defendant was a common lighterman; besides, he did not set forth how his goods were spoiled; but both these exceptions were over-ruled; and though there was no promise, yet since this action arises *ex malefacto*, there is no occasion to alledge a promise, for the delivery of goods to a common carrier implies a contract. *Palm. 523.*

Case, &c. against a common carrier, for so negligently carrying the plaintiff's goods that they were lost, and he declared likewise in trover; adjudged, that the declaration was good, because the plea of not guilty goes to both; but this was after a verdict. *Sid. 244.*

Case, &c. in which the plaintiff declared, that he delivered to the defendant (being a water-carrier) goods in York to carry them from Hull to London, and that the goods were lost; after a verdict for the plaintiff, it was objected in an arrest of judgment, that there was no positive agreement set forth between the plaintiff and defendant for any certain sum for the carriage; besides, the agreement was to carry the goods from Hull to London, so that the defendant did not undertake to carry them from York to London; but adjudged, that he shall be charged upon the general receipt at York, and that it is not requisite to set forth any agreement of the premium. *Sid. 36.*

Assumpsit by a carrier, upon a promise to pay so much for carrying goods from York to London; if the plaintiff in his declaration doth aver performance, and doth not shew in what parish and ward he brought the goods, it is ill upon a demurrer. *Sid. 178.*

Case, &c. upon the custom of England against a master of a ship, for negligently keeping the plaintiff's goods; in which a special verdict found, that the ship lay in the river Thames, and that the goods were delivered on board, &c. that in the night-time several

persons pretending to press seamen by force, seized those men which were in the ship, and the goods were lost; that the master was to have wages of the owner of the ship, and the mariners wages of the master; the question was, whether the master was chargeable for the loss of these goods; it was argued that he was not, because the master is but a servant to the owners, and he receives his wages from them; but adjudged he is rather an officer than a servant, for he may pawn the ship if he see occasion, he may sell *bona peritura*, &c. and though he receives his wages from the owners, yet in effect he is paid by the merchant; for it is he who pays the owners, and there is no difference between this case and that of a hoyman or common carrier. *1 Vent. 190, 238.*

Assumpsit for money due by custom for scavage; upon non assumpsit the jury found the duty to be due, but no promise expressly to pay it; adjudged that an assumpsit will lie for this money due by custom, without an express promise. *2 Lev. 174.*

Adjudged, that a common carrier is liable in respect of the reward he takes, and not because the hundred is answerable over to him; for he was chargeable at common law before the statute of Winton, which makes the hundred liable; and the reason why he is chargeable, is, because he might be robbed by consent and combination, of which it might be difficult to make any proof. *1 Salk. 143.*

In an action on the case upon the custom of the realm against the defendant, who was master of a stage-coach, the plaintiff sets forth, that he took a place in the coach for such a town, and that in the journey the defendant, by negligence, lost the plaintiff's trunk; upon not guilty pleaded, the evidence was, that the plaintiff gave the trunk to the man who drove the coach, who promised to take care of it, but lost it; and the question was, whether the master was chargeable, and adjudged that he was not, unless the master takes a price for the carriage of the goods as well as for the carriage of the person, and then he is within the custom as a carrier is: that a master is not chargeable for the acts of his servant, but when they are done in execution of the authority given by the master, and then the act of the servant is the act of the master. *1 Salk. 182.*

ACTION on the case for deceits, frauds, and unexpressed and implied warranties. A merchant stranger shipped 4500 quintals of wood to be brought to England, and a great tempest arising, the master cast part of it into the sea, and afterwards coming into port, told the custom officer, that he believed 2000 quintals remained, when upon further examination there were above 1000 more; and an information being exhibited for the forfeiture of those 1000 quintals, for which no custom was paid, it was adjudged that the uncertain account made with the officer for 2000 quintals only before the landing, was good, because it appeared there was no manner of deceit. *Plowd. 1.*

The defendant sold sheep, and warranted that they were found, and should be found for a year next coming; adjudged, that the warranty is not impossible to be performed, no more than to warrant, that such a ship shall return safe to London; so the action will lie. *Owen. 60.*

Case, &c. in which the plaintiff declared, that in consideration of 20 l. paid by him to the defendant, he promised to deliver to him 400 pounds of wax on such a day, and that at the day he did deliver 373 pounds of bad wax, which he warranted to be good and merchantable; by which he was damaged, &c. the defendant pleaded an agreement between them, as well for the twenty-seven pounds not delivered, as for the badness of that which was delivered; upon which plea the plaintiff demurred, because the defendant had not answered the deceit; adjudged, that it was not material to answer it, because the warranty; that the wax was good was after the contract made. *Dyer 75.*

Assumpsit, &c. for that there being a discourse between the plaintiff and B. G. about certain hogs of the plaintiff's to be put to mast; the defendant promised in consideration the plaintiff would give B. G. 3 s. for every hog put to mast, that they should be well fatted and re-

delivered; adjudged, that the action lay, though the defendant had no manner of benefit by the promise, because it was grounded upon a deceit. *Cro. Eliz.* 200.

The plaintiff being a merchant in London went beyond sea to trade, and appointed the defendant to receive all goods consigned to him in his absence, and to pay the customs, and to dispose them to the plaintiff's use; afterwards twenty pieces of velvet were consigned to the plaintiff, and imported into London, of which the defendant having notice, caused the goods to be landed without paying the custom, or agreeing with the officer, by reason whereof they were forfeited and seized; adjudged, that for this matter a special action on the case did lie. *2 Cro.* 265.

The defendant having counterfeit jewels, and knowing them to be such, sent his servant with them to the plaintiff, being a merchant in Barbary, to sell them there; and the plaintiff sold them to the king of Morocco for 800*l.* and the servant received the money, and returned home to London; afterwards the cheat being discovered, the plaintiff was imprisoned in Barbary, and compelled to make restitution to the king; adjudged, that the action did lie against the master. *Poph.* 143.

A clothier made good cloth, to which he set his mark, and got a great trade; another set the same mark upon bad cloth, for which the action was brought, and adjudged that it did lie. *Poph.* 143. *2 Cro.* 468.

Case, &c. for a deceit, in which the plaintiff declared, that he bought silk of the defendant for such silk, &c. whereas it was of another kind, and that the defendant knowing the deceit, sold it to him; upon not guilty pleaded, it appeared that there was no actual deceit in the defendant, who was the merchant, but that it was in his factor beyond sea; but adjudged, that his deceit shall charge the merchant, because it is more reasonable, that he who puts a trust in a deceiver should lose than a stranger. *Salk.* 289.

So where the plaintiff declared that the defendant being possessed of a certain lottery-ticket, sold it to him, affirming it to be his own, whereas in truth it was not his but another's; defendant pleaded he bought it *bona fide*, and sold it: on demurrer, *Holt*, Ch. J. held, where one having the possession of any personal chattle, sells it, the bare affirming it to be his amounts to a warranty, and an action lies on the affirmation; for his having possession is a colour of title, and perhaps no other title can be made out; *aliter* where the seller is out of possession; for there may be room to question the seller's title, and *caveat emptor* in such case to have either an express warranty, or a good title; so it is in case of lands, whether the seller be in or out of possession; for the seller cannot have them without a title, and the buyer is at his peril to see it. *1 Salk.* 210. See *Style* 343, 346. *Cro. Jac.* 197.

If A. being a goldsmith, and having skill in jewels and precious stones, hath a stone which he affirms to be a bezoar stone, and sells it to B. for 100*l.* *ubi re vera* it was no bezoar stone, no action lies against A. for every one in selling his wares will affirm that his wares are good, or that the horse which he sells is sound; and yet if he does not warrant them so, if false, no action lies. *Cro. Jac.* 4.

But if a man sells a tun of wine, and warrants it to be sound and not corrupted, if it be corrupted, an action upon the case lies. *1 New Abr.* 52. *11 H. vi.* 18. *F. N. B.* 94. *S. P.*

So if a man sells a horse, and warrants him to be sound of wind and limbs, if he be not, an action upon the case lies. *11 H. vi.* 18. *1. Roll. Abr.* 96. *S. C.*

ACTION on the case upon *Assumpsit*. An *assumpsit* is an action the law gives a party injured, for the breach or non-performance of a contract legally entered into; it is founded on a contract either express or implied by law, and gives the party damages in proportion to the loss he has sustained by violation of the contract. *4 Co.* 92. *Moor.* 667.

But there it must be observed that the law distinguishes between a general *indebitatus assumpsit*, and a special *assumpsit*; for though they come under the denomination of action on the case, and the party is to be recompensed

in damages alike in both, yet the first seems to be of a superior nature, and will lie in no case but where debt will lie; but for a particular undertaking, or collateral promise to discharge the debt or duty of another, a special *assumpsit* must be brought. *1 New Abr.* 163.

If A and B having dealings with each other, make up their accounts, and B is found in arrear, and promises to pay the balance, an *assumpsit* lies against him, and A need not bring a writ of account. *Cro. Jac.* 69. *Yel.* 70.

So if A gives money, or delivers goods to B to merchandize therewith, and B promises to render an account, *assumpsit* lies on this express promise as well as account. *1 Salk.* 9.

So if a tenant being in arrear for rent, settles an account of the arrears with his landlord, and promises to pay him the sum in which he is found in arrear, an *assumpsit* lies on this promise. *Roll. Abr.*

But if the obligor in a bond, without any new consideration, as forbearance, &c. promises to pay the money, an *assumpsit* will not lie, but the obligee must still pursue his remedy by action of debt. *1 Roll. Abr.* 8.

An *indebitatus assumpsit* lies for money by custom due for seavage; adjudged upon a special verdict, by which it was found, that the sum demanded was due by custom, but that there was no express promise to pay it. *2 Lev.* 174.

Neither debt nor general *indebitatus assumpsit* will lie against the acceptor of a bill of exchange; for his engaging is but a collateral promise on which a special action on the case lies, founded on the custom of merchants; but debt, or a general *indebitatus*, may be brought against the drawer, as for money received for the use of the party. *Hard.* 485, 486.

Also if A delivers money to B to pay over to C, and gives C a bill of exchange drawn upon B, and B accepts it, C may have an *indebitatus assumpsit* against B, as having received money to his use, but must not declare only on the bill of exchange accepted. *1 Vent.* 153.

An *indebitatus assumpsit* lies for 20*l.* forfeited by the ordinances and constitutions of a company, for not serving in the office of steward of the company, according to a bye-law by them made. *2 Lev.* 252.

If one receives my rent under pretence of title, I may have an *indebitatus assumpsit* against him. *2 Mod.* 263.

If A takes an apprentice and receives 30*l.* with him, for which he is to teach him his trade, and make him free of the city of London, and being no freeman himself, the boy is likewise bound to a freeman; admitting that by the custom of London, the last binding will not make him free without actual service, yet an *indebitatus assumpsit* will not lie, nor has the party any remedy, unless for the cheat, or on special action on the case for not making him a freeman. *Comb.* 431.

If three are bound in an usurious obligation, and one of them pays part of the money, and afterwards the obligee brings debt against one of the obligors, who avoids the bond for usury, yet the obligee who paid the money cannot maintain an *indebitatus assumpsit*, for he is *particeps criminis*, and having parted with his money freely, he comes within the rule *volenti non fit injuria*. *1 Salk.* 22.

But if A pays money to B upon a mistake, as thinking there was so much due on account, &c. he may maintain an *assumpsit* for it. *1 Salk.* 21.

So if a man pays money upon a policy of assurance, supposing a loss, when in truth there was not any, he may bring an *indebitatus assumpsit* for so much money received to his use. *Skin.* 412.

So if A gives money to B to pay C upon C's delivering up writings, &c. and C will not do it, an *indebitatus* will lie for A against B for so much money received to his use. *6 Mod.* 161.

Where a man comes to buy goods, and they agree upon a price and a day for the payment, and the buyer takes them away, an *assumpsit* for the money is a proper action, for *trover* will not lie for the goods, because the property was changed by a lawful bargain, and by that bargain, the buyer was to convert the goods before the money was due; but if a man comes to buy goods, and they agree upon a price for present money, and the buyer takes

takes the goods away without payment, *trover* lies, because the property is altered, and therefore the taking away the goods without payment of the money, is an injurious taking, for which the action lies; but if a man sells goods on payment of money on a day to come, and the money be paid, and the goods not delivered, *trover* lies, because the property is in the buyer. 1 *New Abr.* 167.

All promises and contracts are to receive a favourable interpretation; and such construction is to be made, where any obscurity appears, as will best answer the intent of the parties; otherwise a person, by obscure wording of his contract, might find means to evade and elude the force of it. Hence it is a general rule, that all promises shall be taken most strongly against the promiser, and are not to be rejected, if they can by any means be reduced to a certainty.

So if A lie indebted to B for certain things to him sold, and C comes to B, and promises him that if A shall not pay him the money, that then he himself will pay it; an action upon the case lies for B against C upon this promise, if A does not pay the money in a convenient time. 1 *Roll. Abr.* 15.

If A is indebted to B in 10 l. and upon this C promises in consideration that he will forbear A till such a day, if A does not pay him the said day, he himself will pay him the said day; this is a good promise, upon which B may have an action against C; for though A had the whole day to pay it, and so it was impossible for C to pay it the same day, if he did not pay it, yet the substance of the promise is to pay, and the time limited being impossible, is void, and then it might be paid on request. 1 *Roll. Abr.* 13.

ACTION on the case, for slander or defamation against tradesmen. *William Kemp will be within these two days a bankrupt*; actionable. *Dyer* 72.

Of a gentleman trading in lead in Derbyshire, viz. *He is a bankrupt, and is not able to pay his debts, but will run his country*; actionable. *Hutt.* 46.

Of a merchant, being an alien born, viz. *Firrot is a bankrupt*; actionable; 1 *Bullst.* 134.

Of a dyer, *Thou art a bankrupt knave*; actionable, though two substantives; but if it had been *bankruptly knave*, otherwise. 2 *Cro.* 345.

Of a merchant, *He is a bankrupt slave*; actionable. 2 *Cro.* 578.

Of a shoemaker. *He is a bankrupt rogue*; actionable; for though it was insisted, that the word *bankrupt* is but an adjective to rogue, and so it is extenuated, yet it was adjudged, that the addition of the word *rogue* to *bankrupt* aggravates it; and that a shoemaker is within the statute of bankrupts, for he gets his living by buying and selling. *Hutt.* 52.

Of a midwife, viz. *Many have perished for her want of skill*; actionable. *Gro. Car.* 153.

Of a merchant, viz. *He is not worth a groat, he is 100 l. worse than naught*; actionable. *Cro. Car.* 193.

Of a merchant, viz. *Thou art a rogue and a beggarly fellow, and I will prove thee a bankrupt before next term*; and at another time he said to one Harris, *Trust him not, for he will be thy undoing*; actionable. *Cro. Car.* 171.

Of a merchant, viz. *He is a cheating knave, and hath cheated his father, by returning 20 l. for wares*; actionable. *Cro. Car.* 413.

Case, &c. *Thou camest a broken merchant from Ham-burgh into England*; actionable; for it is the same as to say, he is a bankrupt. *W. Jones.* 321.

There was to be a trial at Guildhall, between one Buxton and another, plaintiffs, and Johnson, defendant, who was likewise a merchant, and the day before the trial, one Bolton discoursing with the now defendant Lemman, asked him, will you be at the trial tomorrow between Buxton and Johnson, who replied, *Johnson is broke, I warrant you he dares not be there*; adjudged actionable. *Palm.* 63.

Case for these words spoken of a malster, wherein the plaintiff laid a colloquium of his trade; the words were, *Have a care of him, and do not deal with him, he is a cheat and will cheat you, he has cheated all the farmers at Epping, and dares not shew his face there, and now he is to come to cheat at Hatfield*; upon not guilty pleaded, a special ver-

dict found all these words, but there was no colloquium of his trade; adjudged, that the words supply the colloquium, so they appear to be spoke of his trade. 2 *Lev.* 62.

An action was brought by a draper for these words, *You are a cheating fellow, and keep a false book, and I will prove it*: upon not guilty pleaded, the plaintiff had a verdict, but the judgment was arrested, because plaintiff did not alledge, that there was any colloquium of his trade, or of his buying and selling at the time when the words were spoken; for to say a man is a cheating fellow, it doth not follow that he is so in his trade, for he may cheat at gaming, and not in his dealing, and the words being general, may as well be applied to that as to his trade; and the keeping a false book doth not imply, that the defendant kept a false debt-book, for he might have a book which is false printed, as well as a false debt-book. 2 *Saund.* 307.

Case, &c. for these words, viz. *Orton says, I am a perjured knave, but he is a perjured knave as well as I, for he and Field swore one for another*: after a verdict for the plaintiff; it was moved, that this was no positive charge that the plaintiff was perjured, but only by relation, viz. that he was perjured as well as the defendant; but adjudged for the plaintiff. *Raym.* 51.

Case, &c. for words of a broker, speaking of his profession, *He is a cheating knave, he hath cheated me with brass money*; adjudged, that to call a tradesman a cheat generally, an action will not lie; but if you speak of his trade, it will lie. *Raym.* 62.

Case, &c. by a merchant for these words, (there being a communication of him,) *I believe all is not well with Daniel Vivian; there are many merchants that have lately failed, and I expect no otherwise of Daniel Vivian*: after a verdict for the plaintiff, the words were held actionable. *Raym.* 207.

Case, &c. in which the plaintiff declared, that he is a lime-burner, &c. and gets his living by buying and selling lime, and that the defendant spoke of him (the plaintiff) in arte sua, viz. *John Terry is a runaway, and a cheating rogue*, upon not guilty pleaded, the plaintiff had a verdict; it was moved in arrest of judgment, that the defendant did not speak those words as relating to the trade of lime-burning, but generally de arte sua; and he may have another trade; but adjudged, that though in ancient times, it was the constant course to lay a colloquium in declarations for words, and it was a doubt, whether it was good without it till the case of Smith a Ward, 2 *Cro.* 673, yet in that case it was resolved, that to alledge the words to be spoken de quereute supplied the colloquium, and in the principal case the words are alledged to be spoken de arte sua, which is applicable to his profession. *Raym.* 86.

Case, in which the plaintiff declared, that he is a mercer, and that the defendant spoke these words, *Thou art a cheating knave, and a rogue*: after a verdict for the plaintiff, it was moved in arrest of judgment, that here was no colloquium laid of his trade; the judgment was staid. *Raym.* 166.

Case brought by a merchant for these words, *Austine Drake is broke, he is a beggarly fellow, and not worth a groat, and not able to pay his debts*: upon not guilty pleaded, the plaintiff had a verdict; and it was moved in arrest of judgment, that these words are not actionable, for he may be an honest man and not worth a groat, and to be a beggarly fellow is no crime, for it imports only that he was a poor man, and that is not a fault, but a misfortune; but the plaintiff had judgment, because to say, *He is not able to pay his debts*, is actionable. *Raym.* 184.

Case, &c. in which the plaintiff declared, that he is keeper of a livery-stable, and of Bell-Savage Inn; and that T. P. coming with a waggon into the yard, and enquiring of the defendant, which was Bell-Savage Inn, the defendant replied, *This is Bell-Savage Inn, deal not with Southam (the plaintiff) for he is broke, and there is neither entertainment for man or horse*; after a verdict for the plaintiff and great damages, the judgment was affirmed. *Raym.* 231.

Case, &c. in which the plaintiff declared, that by buying and selling wares, *uberrimam sibi & familie acquirit vivendi sustentationem*, (without mentioning any trade) and that the defendant said of him (the plaintiff)

Thou art a pitiful, beggarly, broken fellow; after a verdict for the plaintiff, it was objected, that the plaintiff did not allege, that he was of any trade; but this objection was over-ruled, and the plaintiff had judgment. *T. Jones 140.*

Cafe, &c. in which the plaintiff declared, that he is a renter of lands, and that he had gained great profit by buying and selling *wheat, barley, &c.* and that the defendant said these words of him, (*viz. he hath cheated in corn*;) after a verdict for the plaintiff, it was held *per curiam*, that the words are not actionable, and that the words of inducement were only a description of a farmer, and if they should be actionable, every farmer would be entitled to the like action. *T. Jones 156.*

Cafe, &c. in which the plaintiff declared that, there being a communication of his trade, the defendant said, *He was a cheating knave, and kept a false debt-book, with which he cheated the country*; after a verdict for the plaintiff, it was moved in arrest of judgment, that to say of a tradesman, *He is a cheating knave*, though there was a colloquium of his trade, is not actionable; because it may be intended he sold his goods too dear, and so cheated the buyer in the price; and to say he kept a *false book* is not actionable, because he may keep such a book, not knowing it to be false; but adjudged, that the words taken all together are actionable, for tradesmens books are often given in evidence, and therefore they ought not to be false. *1 Vent. 263.*

Cafe for these words, spoken of a merchant who made a bon-fire at his door when king James the Second came to the crown, *viz. He is a rogue, a papist dog, and a pitiful fellow, and never a rogue in town had a bon-fire before his door but he*; after a verdict for the plaintiff, and 500*l.* damages, a writ of error was brought; but *per curiam*, the words are actionable. *3 Mod. 103.*

Cafe, &c. for these words spoken of a farmer, *He owes more money than he is worth, he is broke and run away*; after a verdict for the plaintiff, *per curiam*, the words are actionable.

His son, Brooks, hath deceived me in a reckoning for wares; and his debt-book which he keepeth for sale of his wares in his shop, is a false debt-book, and I will make him ashamed of his calling; not actionable. *Brownl. 4.*

The plaintiff declared, that for many years past *suit mercator*, &c. and the defendant said, *Thou art a beggarly knave, and a bankrupt*; it was doubted whether actionable, because he did not allege, that he was a merchant at the time the words were spoken. *Cro. Eliz. 794.*

Cafe by an inn-keeper against the defendant, for calling him (the plaintiff) *caterpillar, for he liveth by robbing his guests*; adjudged not actionable. *Moor 179.*

Cafe, &c. for these words spoken of an inn-keeper, *Your master, Thomas Clerke, did harbour and lodge cut-purses and rogues, and did receive stolen goods, and there are yet some in his house*; and declared, that by reason of speaking those words he lost his guests; adjudged not actionable; for an inn-keeper's house being common to all his guests, he may lodge cut-purses, and receive stolen goods, and not know them to be such. *2 Roll. Rep. 136.*

Cafe, &c. against husband and wife, in which the plaintiff declared, that he was a freeman of London, and a tradesman, and that he got his living by buying and selling *crewel*, and that the wife, &c. said, *He (the plaintiff) is a cheater; and hath cozened and cheated my husband of 500*l.* after a verdict for the plaintiff, and 40*l.* damages, the judgment was arrested, for that the words were not actionable, because it did not appear that the cozening and cheating was in any thing concerning his trade. W. Jones 366.*

Cafe, &c. in which the plaintiff declared, that he was a common brewer, and that the defendant, upon a discourse which he had with another concerning the plaintiff, said these words of him, *I will give my mare a peck of malt, and give her water after it, and she shall piss as good beer as Thomas Fen breweth (inueno the plaintiff) by reason whereof he lost several customers, but mentioned none in particular; and that being moved in arrest of judgment, after verdict for the plaintiff, the judgment was reversed; for the words are not actionable, without alledging a particular loss. W. Jones 444.*

Cafe for these words spoken of a distiller, in which the plaintiff declared, that the defendant discoursing with one *Isher*, asked him of whom he bought *aqua vita*, who replied, of Mr. Godfrey (the plaintiff); thereupon the defendant said, *He is a varlet, he hath suppressed his brother's will, to cozen and deceive men of their legacies, we will make him cry peccavi on his knees, he maketh shew of religion, but is an hypocrite*; adjudged not actionable, because the words do not relate to his trade. *Palm. 21.*

The plaintiff being a mercer, declared against the defendant for these words, (*viz.*) *Thou dost owe more than thou art worth, and art not able to pay thy debts*; adjudged not actionable, because the words do not imply any fraud or deceit, so they will not amount to a bankruptcy within the statutes, for a man may owe more than he is worth, and yet be an honest man, and have credit by friends to support him in trade. *Style 213.*

Cafe, &c. for these words spoken of a merchant, *Thou art a cheating rogue, and a runagate rogue*; after a verdict for the plaintiff, adjudged not actionable; for to say generally, that a man is a cheater, is not actionable without a colloquium laid of his trade or profession, which was not done in this case. *Hard. 8.*

Cafe, &c. for these words spoken of a watchmaker, (*viz.*) *He is a bungler, and knows not how to make a good piece of work*; after a verdict for the plaintiff, wherein the jury said that he was a watchmaker, it was objected, that there was no colloquium laid out of his trade; it is true, if the words had been, he could not make a good watch, it would have been known what he meant, but here the words are indifferent, and may have no relation to his trade; the judgment was stayed. *1 Mod. 19.*

Cafe, &c. in which the plaintiff declared, that he was a merchant, and that by his good name he had the good will of his neighbours, and also that by buying and selling he got *diversa lucra*, &c. and that the defendant called him a bankrupt; after a verdict for the plaintiff, it was moved in arrest of judgment, that the declaration was ill, because it did not appear that he gained his living by buying and selling; the judgment was set aside. *Sid. 299.*

Cafe, &c. in which the plaintiff declared, that he for seven years last past, had lawfully used the art of buying and selling, and had gained great profit thereby, for the support of himself and family, and that the defendant *falso & malitiose* said of him (the plaintiff), *He is a runagate, and worse than a rogue, and if he had his deserts he had been hanged*; whereby he lost his custom, but he did not lay any special damage; after a verdict for the plaintiff, the judgment was stayed, because *runagate* is not of the same signification as *bankrupt*; and here the plaintiff did not set forth what trade he used, and it might be that of a tinker or pedlar, who are rogues by the statute *Eliz.* so the words are not actionable. *2 Lev. 214.*

Cafe, &c. in which she declared, that she was skilled in dancing, and taught young women to dance, by which she gained a livelihood, and that the defendant, to injure her, said, *She is as much a man as I am, she is an hermaphrodite*; by which she lost divers scholars, but did not mention any in particular; after a verdict for the plaintiff, it was adjudged, that the words are not actionable, for it is no scandal to her profession to say, *she is an hermaphrodite*, for young women are commonly taught by men to dance, and here is no special damages laid. *2 Lev. 233.*

Cafe, &c. in which the plaintiff declared, that he is a trader, and that the defendant spake these words of him, *You are a cheat, and have been a cheat for many years*; not actionable, without laying a colloquium of his trade. *2 Salk. 694.*

Cafe for words spoken of a butcher, in which a colloquium was laid of a cow killed by him, and of the flesh of that cow; and that the defendant said, *The cow died with calving*, by reason whereof he lost such and such customers; there was a verdict for the plaintiff, &c. and upon a writ of error brought, the judgment was reversed, because the words in themselves are not actionable; it is true, here are special damages laid, but yet that will not help, because he did not allege, that he could not sell the cow, but only that he lost his customers. *2 Salk. 695.*

ACTION upon the statute, is brought upon the breach of a statute, whereby an action is given that lay not before;

fore; as where one commits perjury, to the prejudice of another, he who is damaged, shall have a writ upon the statute, that is, where the statute gives the suit or action to the party grieved, or otherwise to one person certain. *Cowel*.

ACTION, on a bill of exchange. An action of debt will not lie upon a bill of exchange accepted against the acceptor; but a special action of the case must be brought against him, because the acceptance does not create a duty, no more than a promise by a stranger to pay, &c. if the creditor will forbear his debt; and he that drew the bill continues debtor, notwithstanding the acceptance, which makes the acceptor liable to pay it, and the custom does not extend so far as to create a debt, but only makes the acceptor *onerabilis* to pay the money; wherefore and because no precedent could be produced, that an action of debt had been brought upon an accepted bill of exchange, judgment was arrested. *Anon.*

Assumpsit lies on a bill of exchange accepted, *per cur.* in case of the city of *London. v. Goree*.

A general *indebitatus assumpsit* does not lie on a bill of exchange, but the party ought to declare specially on the custom of merchants. *Frederick v. Cotton*.

A general *indebitatus assumpsit* will not lie upon a bill of exchange for want of consideration; for a bill is but evidence of a promise, and so but *nudum pactum*, and therefore a special action ought to be brought upon the case, upon the bill and custom of merchants, or else a general *indebitatus assumpsit* for money received to one's use, *per Holt*, chief justice. *Hodges v. Steward*.

Indebitatus assumpsit lies not against the acceptor of a bill of exchange, because his acceptance is but a collateral engagement; but it lies against the drawer himself, for he was really a debtor by the receipt of the money, and debt will lie against him. *Hart's case. Salk. 23.*

Assumpsit upon a bill of exchange. The plaintiff declares, that *secundum consuetudinem et usum mercatorum*, the acceptor is bound to pay, &c. without shewing the custom at large; and the defendant demurred, and it was adjudged for the plaintiff, and *per curiam* it is a better way, than to shew the whole at large. *Soper v. Dibble*.

Case. The plaintiff declares, *quod intra hoc regnum Angliæ* there is, and time whereof, &c. hath been a custom, that if two merchants are partners, jointly merchandizing together, and the one of them subscribes a bill for the payment of money by him and his partner, mentioned there to another or his order, that then both the partners are bound by the subscription of that single person; and that if the person to whom this bill is payable, indorses it payable to any other person, that then those partners ought to pay such bill upon notice, to him to whom it is made payable; then the plaintiff shews that J. S. and the defendant *Hall*, were partners jointly merchandizing, and that J. S. subscribed a bill of one hundred pounds payable to *Hutchins*, or his order, by himself and his partner, and that *Hutchins* indorsed *billam prædictam solubilem* to the plaintiff, that the defendant had notice thereof, and upon demand did not pay, &c. The defendant demurred. *Lord Raym. 175. Salk. 126. Molloy. b. 2. c. 10. sect. 29.*

1. Exc. That the declaration being *per consuetudinem Angliæ*, &c. was ill, because the custom of England is the law of England, of which the judges ought to take notice without pleading. *Sed non allocatur.* For though heretofore this has been allowed, yet of late time it has always been over-ruled; and in an action against a carrier, it is always laid *per consuetudinem Angliæ*, &c.

2. Exc. Though *lex mercatoria* is part of the law of England, yet it is but a particular custom among merchants, and therefore it ought to be shewn in London, or some other place, *sed non allocatur.* For the custom is not restrained to any particular place; and in *Hard. 485*, it is laid as here.

3. Exc. It is not said that the said J. S. promised for the defendant and himself upon the account of trade, and it may be, that this was for rent or some other thing, for which the partner is not liable. *Sed non allocatur.* For the plaintiff having declared so specially upon the custom of merchants, it shall be intended, this was for merchandizing, especially since the defendant has demurred generally; and if the case had

been otherwise, the defendant might have pleaded it.

4. Exc. That the declaration is, that *Hutchins indorsavit billam prædictam solubilem* to the plaintiff, which is nonsense; for it ought to be, that he indorsed the bill, that the defendant should pay, &c. *Sed non allocatur.* And judgment was given for the plaintiff. *Pinkney v. Hall.*

Assumpsit for forty pounds. The plaintiff declares upon a bill of exchange for twenty pounds, payable ten days after sight, and that the bill was seen by the defendant and accepted the fifth of May, and then he shews another *assumpsit* for the other twenty pounds, &c. The defendant craves *oyer* of the original, and upon that prays that the writ may abate *quoad primam promissionem*, because the original bears *teste* the 15th of May, and the bill was not payable until ten days after sight; *et quoad alteram promissionem*, he pleads in bar without defence. The plaintiff demurs. It was argued by the defendant's council, that if the bill be payable ten days after sight, the day of sight shall be taken exclusive, as well by reason of the word *post*, as because it is always so understood among merchants. But the court was of opinion, 1. That in real actions the writ may abate in part; but in personal actions a writ cannot abate in part. Therefore admitting that the day is excluded here, the writ must abate for the whole, or not at all. 2. That there is no fraction of a day in this case, but that it shall be entirely included or excluded in this case; for the law will never account for minutes or hours, to make priorities in a single day, unless it be to prevent a great mischief or inconvenience; and if a bond be made the first day of January, and this bond is released the same day, the bond may be averred to be made before the release. So if a *feme sole* bind herself in a bond, and the same day marries, one may aver, that she married after the bond delivered. In assize it appears, that the disseisin was done the same day on which the writ was *teste*; yet this shall not abate the writ, because the assize might be purchased after disseisin. 3. That if there is a custom among merchants, that the day of the sight shall be excluded, it ought to have been pleaded specially; for it is a special custom, of which the court cannot take knowledge without pleading. And *Powel*, justice, said, that the court would not take notice of the *lex mercatoria*, as that there is no survivorship, or of a general custom of gavelkind; but that such special custom as this here ought to be pleaded. And in an action upon a bill of exchange, unless the plaintiff declares upon a custom to support the *assumpsit* according to the common form, the action will not be maintainable. 4. *Powel* and *Nevil*, justices, were of opinion, that the day in this case ought to be included; so that the day on which the bill was shewn shall be reckoned one of the ten; for according to *Clayton's case*, and all the books, when the computation is to be made from an act done, the day on which the act was done must be included; because since there is no fraction in a day, that act relates to the first moment of the day in which it was done, and was as if it were then done. But when the computation is to be from the day itself, and not from an act done, there the day in which the act was done must be excluded by the express words of the parties. As if a lease be made to commence a *die datus*, the day is excluded; but if it be a *confectione*, which is an act done, the day of making shall be included. But *Treby*, chief justice, *contra*, held that if a bill be payable ten days after sight, the day of the sight cannot be accounted one of the ten days, but shall be excluded. 1. Because it may be seen the last minute of the day, and that may be intended as reasonably, as that it was seen the first minute. 2. The party may have the whole day to view the bill, and that is allowed him by the law. 3. Because the contrary construction seems absurd; for then if a bill be payable one day after sight, it must be paid the same day that it is seen, which is not the day after the sight, as the bill requires. As to *Clayton's case*, he admitted it was good law, but not contrary to his opinion: for if a man makes a lease the first of *Jan.* to have and to hold a *confectione* for a year, there the day of the making must be accounted one, because being a lease from the delivery, and to continue but for one year; unless the day

be included, the lease will not determine until the end of the first of Jan. the next year; and so there will be two first days of Jan. in the one year. But notwithstanding his opinion, because his brothers were of a contrary opinion, he awarded that the writ should stand, and that the defendant should answer over. *Note*, before this opinion of the court was pronounced, the defendant's counsel offered to take exceptions to the declaration, but the court refused to admit them; for *per curiam*, upon a plea to the writ, the defendant cannot take exceptions to the court before the writ be adjudged good, for then the defendant has time enough to take advantage of the declaration, and before it is needless; because if the writ be debated, that will determine the whole. After this it was objected, that the defendant had not made defence, and the question was, if this was matter of form, and so aided by the general demurrer, and *prima facie* the court was of opinion, that this was matter of substance, because the defendant is not party to the action without defence; but after having consulted the judges of the King's-Bench, where it has been a long time held matter of form, they agreed that it was aided by the general demurrer, though at the same time they seemed to comply with that opinion, rather than to approve it with their own judgment, to the end that there might be a conformity between the two courts. *Bellofs v. Hester*.

The plaintiff brought an action upon the case upon a bill of exchange against the defendant, and declared upon the custom of merchants, which he shewed to be thus; that if any merchant subscribes a bill, by which he promises to pay a sum of money to another man, or his order, and afterwards the person to whom the bill was made payable, indorses the said bill for the payment of the whole sum therein contained, or any part thereof, to another man, the first drawer is obliged to pay the sum so indorsed, to the person to whom it is indorsed payable; and there the plaintiff shews that the defendant *Cardy*, being a merchant, subscribed a bill for forty-six pounds, nineteen shillings, payable to *Blackman*, or his order; that *Blackman* indorsed forty-three pounds, four shillings of it, payable to the plaintiff, &c. The defendant joined in demurrer, and adjudged *per totam curiam*, that the declaration is ill. For a man cannot apportion such personal contract, as he cannot make a man liable to two actions, where by the contract he is liable but to one. As if A grants a rent-charge of twenty pounds per annum to B, B grants ten pounds to C, C cannot compel the tertenant to attorn. So if lands are conveyed with warranty to A and B, their heirs and assigns, if partition be made, the warranty is extinct. See *Hob. 25. Roll. and Osborne's case*. But if in the principal case the plaintiff had acknowledged the receipt of the three pounds, fifteen shillings, the declaration had been good; and though it was objected by Mr. *Northey* for the plaintiff, that the plaintiff had made payment of a part to be part of the custom, and therefore it was well enough by the custom. *Holt*, chief justice, answered, that this is not a particular local custom, but the common custom of merchants, of which the law takes notice; and therefore the court cannot take the custom to be so. And the whole court were of opinion, that judgment ought to be entered for the defendant. But upon the importunity of Mr. *Northey*, leave was given to the plaintiff, to discontinue upon payment of costs. *Hawkins v. Cardy*.

Assumpsit upon a bill of Exchange. The plaintiff declares, that J. S. drew a bill of exchange upon the defendant, dated the 25th of March, 1696, payable within one month after; that afterwards, viz. such a day in April, 1697, he shewed the bill to the defendant, and he promised to pay it, *secundum tenorem et effectum billæ prædictæ*. *Non assumpsit* pleaded, and verdict for the plaintiff. Sir *Bartholomew Shower* moved in arrest of judgment, that the promise was void, because impossible to be performed; the day of payment being past at the time of the acceptance of the bill, and so impossible to be performed *secundum tenorem et effectum billæ prædictæ*, all which appears upon the plaintiff's declaration. To which Mr. *Northey* for plaintiff answered, that it will amount to a promise to pay generally, of which opinion was the

whole court. And *Holt*, chief justice, took the distinction, when the day of payment is past at the time of the acceptance, as it was in this case, where the payment is to come. In the former case acceptance to pay *secundum tenorem et effectum billæ*, will amount to a general acceptance to pay the money; *contra* in the latter case. For in the former case it is impossible to pay the money as the bill appoints. But he said, that it had been better in the case, to have declared a general promise, without having restrained by the *tenorem effectum billæ*; and (by him) in such case the acceptance of a bill amounts to an express promise to pay it. But (by him) if the plaintiff declares, that the acceptance was before the day appointed for the payment, and that he accepted to pay it *secundum tenorem effectum billæ prædictæ*, and it appears upon the evidence, that the acceptance in fact was after the day of payment, that would lie against the defendant. Judgment for the plaintiff. *Jackson. v. Pigott*.

In an action upon the case upon a bill of exchange; the plaintiff in his declaration declared upon a bill of exchange, and that he offered it to the person upon whom it was drawn, and he refused to pay it, *per quod* the first drawer *devenit onerabilis per consuetudinem*, &c. and there was an *indebitatus assumpsit*, and a *quantum meruit*, in the declaration. Judgment by default, and a writ of enquiry of damages, and entire damages were given. And now it was moved in arrest of judgment, that as the matter stood upon the first count, this action was founded upon a deceit, the bill not being paid according to the warranty, every one who draws a bill warranting the payment of it; and therefore being in the nature of an action for a deceit, which is a *tort*, it cannot be joined with an *assumpsit*, which is founded upon a contract; and therefore for want of laying an express promise, it was ill, entire damages being given. *Northey* said, that the action was founded upon the custom, and that the obligation arose by that, and therefore the action is maintainable without shewing a promise. *Cro. Car. 302*. A declaration upon a bill of exchange, without shewing any promise, and the roll is so. Q. This founds all in contract, for the custom raises a promise in law, that the drawer will pay the money, if the person on whom it is drawn refuses to pay it. And 2 *Cro. 307*, says, that if a merchant accepts a bill, it has, by the custom, the force of a promise, to compel him to pay the money. *Holt*, chief justice, at the beginning seemed to agree with the objection, and said, that he who draws the bill warrants the payment of it; and if he does not, it is a deceit, and one may have an action upon it; but then they ought not to join it with an action upon a promise. That is the reason of the case of Sir *John Dalston* and *Johnson*. Mich. 7 W. III. B. R. ante 58, in the time of 2 *Cro.* they were not arrived at this way of declaring upon bills of exchange. *Gould*, justice, cited 1 *Sid. 306*, that if a man brings *assumpsit* for the arrears of an account, where the action formed is debt, he ought to lay an express promise, to maintain the action. *Holt* said, that the notion of promises in law was a metaphysical notion, for the law makes no promise but where there is a promise of the party. Afterwards in this term judgment was given for the plaintiff, because the drawing of the bill was an actual promise. *Ex relatione m'ri Jacob. Starke v. Cheeseman*.

Action upon a bill of exchange, and the plaintiff declared, that one *Milburn* drew a bill of exchange upon *George Walcup* in London, to be paid to the plaintiff's orders at double usance at Amsterdam, (and the bill was dated the 26th of October, 1699, and by that the double usance expired the 26th of December; and by the custom of merchants, the person upon whom a bill is drawn, hath three days of grace for the payment in England, and eight days of grace in Holland). The bill was tendered to *Walcup* on the 30th of December, who accepted it, by which he became liable, and *super hoc præd.* (the defendant) *eisdem die et anno super se assumpsit quod ipse præd. denarios in eadem billa content. eidem G. bene solvere et contentare vellet secundum tenorem et effectum billæ præd.* And it was moved, that this was ill by Sir *Barth. Shower* and *Dee*; for the bill was not tendered or accepted till the 30th of December, which

was the last day for the payment, then as the defendant promised (as it was alleged) on the same day, according to the effect of the bill, it was a thing impossible, for the payment was to be at *Amsterdam*, which could not be on the same day, and therefore the plaintiff had not declared well; for he ought to have said, that by the custom of merchants, if a bill was accepted, the acceptor obliged himself to make payment to the person who tendered it, &c. And Sir *Barth. Shower* said, it was proved at the trial by a public notary, that if a man accepted a bill payable at *Amsterdam*, he ought to assign a house where the money ought to be paid, otherwise it is not a good acceptance, and the bill may lie protested; and if this bill had been tendered within the term of the double usance, it might have been protested; but after the usances were expired, he doubted whether such protests could be made. But it was said on the other side, and resolved by the court, that the judgment should be for the plaintiff; for the allegation of any promise for payment was not needful, for the acceptance is an actual *assumpsit*, and the declaration need not allege more; and although some house where the money ought to be paid at *Amsterdam* should be named, otherwise the party may protest the bill, yet if it is accepted, the acceptor becomes liable thereby.

And *Holt*, C. J. said, that if a bill of exchange is drawn upon a man who refuses it, a stranger may accept it, for the honour of the drawer, and by such acceptance he becomes liable.

And it was agreed in the same case, that a bill of exchange, payable to the order of a person, shall be paid to him or his order, for it is tantamount. *Gregory and Walcup*.

William Murray brought an *action* against the defendant, Sir *John Erskine*, upon an inland bill of exchange, wherein he declared, that he, on the first of March, 1727, at Westminster in the county of Middlesex, made his bill of exchange in writing to the said Sir *John* directed, and by the said bill requested the said Sir *John*, upon the 10th day of the said month of March, to pay the said *William Murray*, or order, at his mansion-house, in Edinburgh, two hundred pounds sterling, *pro valore in manibus ipsius Johannis de denariis accommodatis de eodem Willielmo*; that the defendant, Sir *John*, accepted the bill, *ac ratione inde secundum consuetudinem mercatorum*, became liable to pay, &c. and being so liable, promised to pay the said two hundred pounds to the plaintiff *Murray*, &c. The defendant *Erskine*, let judgment go against him by *nihil dicit*, and after execution of a writ of enquiry, and final judgment given against him, he brought this writ of error.

The first exception took by Mr. *Wynne* and Mr. *Robinson*, counsel for the plaintiff, in error was, that it was not alleged that the bill was drawn according to the custom of merchants.

But to this it was answered by Mr. *Reeve*, counsel for the defendant in error, and so resolved by the court, that the law took notice of the custom of merchants, without setting it out specially; and if the bill, as set out in the declaration, appeared to be within the custom of merchants, it was sufficient; besides, after setting out the bill and acceptance, it is said, *ratione inde secundum consuetudinem mercatorum*, the defendant below became liable, which they held was sufficient.

The second exception was, that it was not averred, that the bill was signed by Mr. *Murray*.

The third exception was, that the defendant had not accepted the bill by underwriting the same under his hand. See 9 W. III. c. 17. and 3 and 4 Ann. c. 9. part 4, and 5.

As to the signing, it was answered, that it is alleged that the plaintiff made his bill of exchange in writing to the said Sir *John Erskine* directed, and by the said bill requested; which of necessity implies the plaintiff's name was written in the bill, else he could not request; and the saying he made the bill in writing imports he writ, or somebody by his authority writ, which will be the same thing, and imports a signing, which is necessary in case of inland bills of exchange. And such a way of declaring was held sufficient in cases of promissory notes, where the act 3 and 4 Ann. c. 9. requires,

that the party who makes the bill, or some person entrusted by him, should sign it. *Taylor v. Dobbins. Elliot v. Cooper*.

The fourth and last exception was, that the bill was not laid to be for value received; but it is *pro valore in manibus ipsius Johannis de denariis accommodatis eodem Willielmo*, not *eodem Willielmo*. But the court held, *pro valore in manibus ipsius Johannis* had been sufficient; and the other words may be rejected as surplusage; the court held, that the meaning was, lent by the said *William*, though the Latin might not be so correct; and the judgment of the common pleas was affirmed, Nov. 23, 1728. *Erskine v. Murray*.

Venus cannot be changed in an *action* on a bill of exchange. *Everett v. Sanjum. Ward v. Colclough*.

In point of evidence, an *action* on a bill of exchange, being by an executor, and upon a debt laid to be due to testator, *Holt* held it necessary to prove the acceptance was in the testator's time. *Anon*.

In an *action* by the indorsee of a bill of exchange against the acceptor, it was held not to be necessary to prove the hand of the drawer; and the plaintiff rested on the proof of the acceptance. The defendant offered to prove it a forged bill, by calling persons who were acquainted with the hand of the drawer, and would swear they did not believe it to be his hand. But the chief justice would not admit this, from the danger to negotiable notes, and because a man might with design write contrary to his usual method, and he strongly inclined, that even actual proof of forgery would not excuse the defendants against their own acceptance, which had given the bill a credit to the evidence. *Jenys v. Fowler, et al.*

A gives B a bill of exchange on C, in payment of a former debt; this will not be allowed as evidence on non *assumpsit*, unless paid, though B kept it in his hands long after it was payable. *Clarke v. Munday*.

As to notice given by the indorsee to the acceptor, before he commenced his *action*, that he must provide the money, it was offered in evidence, that he gave him notice by sending him a letter to do so; but the chief justice said, that he did not think the bare sending a letter to the post-house would be sufficient evidence of notice, without some further proofs of the acceptor's receiving it; and besides he said, that generally a personal demand is expected. *Dale v. Lubeck*.

Plaintiff had a bill of exchange drawn on the defendant, which he indorsed, and delivered to J. S. who went to the defendant to get it accepted. J. S. left it with him, and it was afterwards lost, thereupon they brought trover. The court were all of opinion, that the bare indorsement, without any other words purporting an assignment, does not make alteration of the property; for it may still be filled up either with a receipt on an assignment, and consequently J. S. is a good witness. *Lucas v. Haines*.

In a case upon a bill of exchange, upon the evidence at the trial before *Holt*, chief justice, at Guildhall, Nov. 23, Mich. 12 W. III. the case was thus: A draws a bill of exchange upon B, payable to C at Paris; B accepted the bill, C indorsed it, payable to D, D to E, E to F, F to G; G demanded the bill to be paid by B, and upon non-payment G protested it within the time, &c. And then G brought an *action* against D, and it was well brought, and he recovered. Afterwards D brought an *action* against B, and though D produced the bill and the protest, yet because he could not produce a receipt for the money paid by him to G, upon the protest, as the custom is among merchants, as several merchants upon their oaths affirmed, he was nonsuited. But *Holt* seemed to be of opinion, that if he had proved payment by him to G, it had been well enough. *Mendez v. Careroon*.

Indorsee need not prove the drawer's hand, because though it be a forged bill, the indorser is bound to pay it. *Lambert v. Packe*.

Indorsee need not prove any demand on drawer, Plaintiff to shew a protest, produced an instrument attested by a notary public; and though it was insisted upon that he should prove this instrument, or at least give some account how he came by it, *Holt* ruled it not

to be necessary; for that, he said, would destroy commerce and public transactions of this nature. *Anon.*

Original drawer, who was offered as an evidence in an *action* upon a bill of exchange, to prove that he did not draw the bill, was denied, because at last the burthen must fall upon him; but was admitted, upon having a release executed to him in court. *Dupays v. Shepherd.*

As to the recovery of *interest* and *damages*: *Interest* on bills of exchange commences from demand made, and therefore, if there was no demand made till *action* brought, the defendant may plead tender and refusal, and *Uncore Prist.* and so discharge himself of interest; but if it be the defendant's fault that the demand could not be made, as if he were out of the kingdom, there want of demand ought not to prejudice the plaintiff. *Per. Cur. Anon.*

Drawee accepts the bill, and some time after protests it, and thereupon the bill is indorced to the drawer, who brings an *action* as indorsee, and held well, and interest was ruled to be paid from the time of the protest. *Louviere v. Laubray.*

"No acceptance of any inland bill shall charge any person, unless underwritten or indorced, and if not so underwritten or indorced, no drawer to pay costs, damages, or interest, unless protest be made for non-acceptance, and within fourteen days after protest the same be sent, or notice thereof given, to the party from whom such bill was received, or left in writing at his usual place of abode; and if such bill be accepted, and not paid within three days after due, no drawer shall pay costs, damages, or interest thereon, unless protest be made and sent, or notice given as aforesaid; nevertheless, the drawer shall be liable to the payment of costs, damages, and interest, if any one protest be made for non-acceptance, or non-payment, and notice be sent, given, or left." 3 and 4 Ann. c. 9. sect. 5.

Since the above statute, it has been adjudged, that an indorsee of an inland bill of exchange may maintain an *action* against the acceptor, on a parol acceptance, as to the principal sum, though not as to interest and costs; for the act being made to give a further remedy for interest, damages, and costs against the drawer, cannot be supposed to take any advantage from the payee, which he had before; and therefore the true construction of the act is, that to charge the drawer with interest and costs, the drawee must refuse to accept it in writing; nevertheless, if he accept the bill by parol, he is liable to the principal sum in the bill, as he would have been before the act. *Lumley v. Palmer.* See the last case but one under the article ACCEPTANCE, as to interest.

In an *action* against the drawer of an inland bill after an acceptance, the chief justice ruled, that for want of protest, according to 9 and 10 W. III. c. 17. the drawer could not be charged with interest. Then the plaintiff would have had it as for money lent, and that appeared to be the consideration of the bill; but the chief justice said it had never been allowed barely for money lent, without a note, so the plaintiff had no interest allowed him. *Harris v. Benson.*

The bill being payable thirty days after sight, the jury gave interest from thirty days after the date of a letter, which acknowledged the receipt of the bill. *Wilkinson v. Lutteridge.*

Equity and *injunction* in regard to bills of exchange may be stated as follows: A requested B to let him have fifty pounds in London, and he would draw a bill on C in the country to repay it to B, as soon as B should return home. B gave two bills to A, one for twenty pounds, and another for thirty pounds, payable at twenty days sight, which the drawee accepted. On B's return, the drawee in the country refused to pay A's bill. B on this writes to stop payment of his bills, but one was paid before, but the drawee refused to pay A the other. Decreed, A to pay back the twenty pounds received, and a perpetual injunction against A for the other thirty pounds. *Hill and Penford v. Baker.*

Bill for relief against a bill of exchange, on pretence of its being gained by threats or menaces, is not proper for *equity*, it being a matter at law, and *Durefs* a good plea there; but being gained by fraud, and for a fictitious consideration, it was relieved *per* commissioners.

Dyer v. Tymewell. See last case but one under the article of ACCEPTANCE.

The following cases serve to illustrate when a bill of exchange may be deemed payment.

1. *Griffith* sold to *Pope* glasses for twenty-five pounds, for which *Pope* gave him a bill drawn by himself on one *Samuel Lobs*, for the same sum, and *Griffith* gave him a receipt for the bill. *Lobs* accepted the bill, but afterwards proved insolvent, and never paid; and three years after, and not before, the plaintiff acquainted the defendant with it, and then brought an *indebitatus assumpsit* for the value of the glasses.

The defendant, on *non-assumpsit*, gave the delivery of this bill in evidence; and the chief justice directed the jury, that if this bill was accepted for payment, unless refused, and the bill returned, and notice given to the drawer in a reasonable time; he said, the plaintiff's keeping the bill so long was evidence of his accepting it as payment; and accordingly the jury found for the defendant. *Griffith v. Pope.*

2. A bill of exchange shall never go in payment of a precedent debt, unless it be part of the contract that it should be so. *Clarke v. Mundal.*

3. A sells goods to B, and B is to give a bill in satisfaction; B is discharged, though the bill is never paid, for the bill is payment; but otherwise a bill should never discharge a precedent debt, or contract; but if part be received, it shall only be a discharge of the old debt for so much.

A bill of exchange is not payment, unless the party omits receiving it in a reasonable time, as three days, when he might have received it; but if he gives a receipt, and accepts the bill as payment, this shall bind him. *Sir Charles Thorold v. Smith.*

ACTIONS, in regard to the customs. Actions, suits, bills, or indictments for frauds relating to the customs, may be laid in any county; and on *actions* for forfeitures upon penal statutes, any officer, &c. may sue within a year; which being expired, the king may sue within two years more, unless shorter time be appointed by any other statute. 31 Eliz. c. 5. sect. 5, 6. 21 Jac. I. c. 4. sect. 3. 5.

But for draw-back goods relanded, suit may be within five years after offence committed. 8 Ann. c. 13. sect. 16.

Informer or plaintiff may not compound or agree with the offender, but after answer made in court to the information; nor after answer, but by order and consent of the court; and if the informer, &c. delay, or discontinue his suit, or is nonsuited, or has verdict passed against him, he must pay the defendant his costs, charges, and damages. 18 Eliz. c. 5. sect. 3. 27 Eliz. c. 10. sect. 2.

In every *action*, suit, indictment, information, or prosecution commenced against officers of the customs, &c. for any matter or thing done by virtue, or in pursuance, or execution of the act of 13 and 14 Car. 2. c. 11. sect. 16. And the several other acts on which the officers are to proceed, or any other act relating to the customs and navigation, the defendants may plead the general issue, and give those particular acts, and the special matter in evidence for their defence, in any of the courts of justice; and if, upon trial, a verdict pass for the defendants, or the plaintiffs discontinue or forbear their *actions*, or become nonsuited, or judgment be given against them by demurrer or otherwise, the defendants are to have (full, double and treble) costs of suits awarded against such plaintiffs, &c.

ACTIONS in regard to insurances. A made a policy, and declared under his hand, on the back, that the insurance was made for and on the account of B; and afterwards A brought an *action* on the policy; and though the declaration of B's interest appeared at the trial, *Lee*, chief justice, was of opinion, that A notwithstanding, might maintain the *action*, and verdict for the plaintiff.

An insurance made in a foreign country may be sued in England, if the assurers come here.

If a man in a foreign country insures a ship from any place there to London, and the ship is lost, the assurer, L if

if he comes into England, shall answer by our law here; for the promise is transitory, and not fixed to the place where made: and so it was resolved, where a person abroad, in consideration of ten pounds, had insured, that if the English merchant's ship did not come safe to London, he would pay one hundred pounds: afterwards the ship was robbed on the sea; and, in an *action* brought for the one hundred pounds, the merchant had judgment, though the subscription was out of the realm.

In *indebitatus assumpsit*, by B. for five pounds received to the plaintiff's use, and *non assumpsit* pleaded; the case was, that A took a policy of insurance upon account, for five pounds premium, in the name of B; and A paid the said premium to J. S. and A: and then no goods on board; and so the policy was void; and so the money to be returned by the custom of merchants. It was insisted, that the *action* ought to have been in A's name, for the money was his; and if the policy was good, it would have been to his advantage; and it could no wife be said, to be received to B's use, it never being his money. Besides, here may be a great fraud upon all in insurers in this, that an insurance may be made in another's name; and, if a loss happen, then the insurer shall pay; for that some *cestuique trust* had goods on board; but, if the ship arrives, then the nominal trustee shall bring an *indebitatus assumpsit* for the premium, as having no goods on board.

To all which *Holt*, chief justice, answered, that the policy being in B's name, the premium was paid in his name, and as his money; and he must bring the *action* upon a loss; and so, upon a voidance of the policy, to recover back the premium: and as to the inconveniences, it would be the same, whosoever was to bring the *action*; and therefore the insurers ought with caution to look to that before hand. *Martin v. Sitwell*.

B having the command of a merchant ship, and likewise a share in her as being an owner, 1730, desired A by letter to get two hundred pounds insured on her. An insurance was made in the name of A, the agent, by B's direction; the insurers, J. S. and F. S. knowing nothing of B. In the voyage, the ship was lost, and B, the captain cast away. M, the administratrix of B, gave J. S. and F. S. notice of the loss and the trust, and required payment to her only. But A, under a pretence that B was indebted to him, procured the insurers to give credit for the sum in an account which they afterwards made up with him; and then the balance of that account was carried into a new account; and this second account was afterwards settled between them. Upon a bill by M to be relieved, it was decreed, that the insurers pay her the money, and A to pay the costs of suit, deducting thereout the charges he had been at in obtaining the policy. *Fell v. Lutwidge*.

This was an *action* upon the case brought upon a policy of insurance, in which the plaintiff declared as follows:

London.

Gyles Rook complains of *John Thurmond*, being in the custody of the marshal of the Marshalsea of our lord the king, before the king himself, for that whereas the said *Gyles Rook*, on the fifth day of October, in the year of our Lord 1741, at London, aforesaid (to wit, in the parish of St. Mary le Bow, &c.) according to the custom of merchants from time immemorial used and approved of, caused to be made a certain writing, or policy of assurance, purporting thereby, and containing therein, that one *Caleb Smith*, as well in his own name as for and in the name and names of all and every other person or persons to whom the same did, might, or should appertain, in part, or in all, did make assurance, and caused himself and them, and every of them, to be insured, lost or not lost, at and from *South Carolina* to *Cowes*, upon the body, tackle, apparel, ordnance, ammunition, artillery, boat, and other furniture, of and in the good ship or vessel called the *Polly*, whereof was master, under God, for that then present voyage, captain *William Henry*, or whosoever should go for master in the said ship, or by whatsoever name or names the same ship, or the master thereof, was or should be named or called, beginning the adventure upon the said ship, &c.

from and immediately following her first arrival there; and so should continue and endure until the said ship, with the said tackle, apparel, &c. should be arrived at *Cowes*, and there had moored at anchor twenty-four hours in good safety, and it should be lawful for the said ship in the voyage to proceed and sail to, and touch and stay at any port or place whatsoever, without prejudice to that insurance. The said ship, &c. for so much as concerned the assured, was and should be valued at interest or no interest, free from average, and without benefit of salvage, without farther account to be given by the assureds for the same, touching the adventures and perils which the assurers were contented to bear, and did take upon them in that voyage, whether they were of the seas, men of war, fire, enemies, pirates, rovers, thieves, jettisons, letters of mark and countermark, surprisals, takings at sea, arrests, restraints and detentions of all kings, princes, and people, of what nation, condition, or quality soever, barratry of the master and mariners, and of all other perils, losses and misfortunes that had or should come to the hurt, detriment, or damage of the said ship, &c. or any part thereof; and in case of loss or misfortune, it should be lawful to the assureds, their servants, factors, and assigns, to sue, labour, and travel for, in and about the defence, safeguard, and recovery of the said ship, &c. or any part thereof, without prejudice to that insurance, to the charges whereof they the assurers would contribute each one according to the rate and quantity of his sum therein assured. And it was agreed by them the assurers, that the said writing, or policy of assurance, should be of as much force and effect, as the surest writing, or policy of assurance, heretofore made in *Lombard-street*, or on the *Royal Exchange*, or elsewhere in *London*. And so they the assurers were contented, and did thereby promise and bind themselves, each for his own part; their heirs, executors, and goods, to the assureds, their executors, administrators, and assigns, for the true performance of the premises, confessing themselves paid the consideration due unto them for that assurance by the assured, at and after the rate of 5 l. 15 s. per cent. and in case of loss (which God forbid) the assured to abate two pounds per cent. And the said *Gyles* avers, that the said policy of assurance was so made as aforesaid in the name of the said *Caleb Smith*, on the account and risque of the said *Gyles*, and that the said *Gyles*, at the time of making thereof, was solely interested therein. Of all which premises the said *John* afterwards, to wit, on the day and year aforesaid, at *London* aforesaid, and in the parish and ward aforesaid, in consideration that the said *Gyles*, at the special instance and request of the said *John*, had then and there paid to the said *John* the sum of five pounds fifteen shillings as a premium and reward for the insurance of one hundred pounds, of and upon the premises in the said policy mentioned; and had undertaken, and faithfully promised to perform and fulfil every thing in the said policy of assurance contained, on the part and behalf of the assured to be performed and fulfilled; he the said *John* undertook, and then and there faithfully promised the said *Gyles*, that he would become an assurer to the said *Gyles* for the said one hundred pounds, of and upon the premises in the said policy mentioned; and that he would perform and fulfil every thing in the said policy contained on his part and behalf, as such assurer, as to the said one hundred pounds to be performed and fulfilled, and then and there subscribed the said policy, as such assurer for the said one hundred pounds; and the said *Gyles* in fact saith, that before the making of the said policy, viz. on the first day of May, in the year of our Lord 1741, the said ship, or vessel, with all her apparel, and other furniture, first arrived at *South Carolina* aforesaid, and afterwards, to wit, on the twelfth day of July, in the year of our Lord 1741, aforesaid, the said ship, or vessel, with all her apparel and other furniture, departed and sailed from *South Carolina* aforesaid towards *Cowes* aforesaid, and proceeded on her said voyage to the port of *Cowes* aforesaid, and afterwards, to wit, on the 18th day of July, in the year last aforesaid, the said ship or vessel, with all her tackle, boat, and other furniture, so proceeding in her said voyage towards the port of *Cowes* aforesaid,

aforesaid, before her arrival at the port of *Cowes* aforesaid, on the high seas, was with force and arms in an hostile manner, attacked, conquered, and taken as a prize by certain enemies of our lord the king and his crown of England, to wit, by *Spaniards* and subjects of the king of *Spain*; and the said ship, or vessel, with all her tackle and other furniture, were thereby then and there wholly lost, and never did arrive at the port of *Cowes* aforesaid; of all which said premises the said *John* afterwards, to wit, on the first day of December, in the year of our Lord 1741, aforesaid, at *London* aforesaid, in the parish and ward aforesaid, had notice, and was then and there requested by the said *Gyles*, to pay him ninety-eight pounds, parcel of the said one hundred pounds, two pounds residue of the said one hundred pounds being to be abated to the said *John* on account of the loss aforesaid, which ninety-eight pounds the said *John* ought to have paid the said *Gyles*, according to his said promise and undertaking; yet the said *John*, not regarding his said promise and undertaking, but contriving, and fraudulently intending, craftily and subtly to deceive and defraud the said *Gyles*, in this particular, hath not yet paid the said sum of money, or any part thereof, to the said *Gyles* (although so to do, the said *John* by the said *Gyles*, was requested afterwards on the day and year last aforesaid, at *London* aforesaid) but he to pay the same to him had hitherto wholly refused, and still refuses.

There was another count for five pounds fifteen shillings for money had and received by the defendant for the use of the plaintiff. Damages laid, one hundred pounds.

The defendant pleaded the general issue *non assumpsit*, and issue was thereon joined.

Upon this case it was clearly taken at the trial before *Lee*, C. J. without any objection or question made upon it, that the plaintiff was well intitled to maintain this action upon the policy of insurance made in the name of *Caleb Smith*, who was the policy-broker employed to procure the insurances, he having by indorsement upon the policy acknowledged and declared, that the policy was made in his name, upon the account, and for the sole risk and benefit of the plaintiff, and *Smith* was allowed without any objection to prove the underwriting by the defendant and his own indorsement.

In this case the defence insisted on for the defendant underwriting this policy was, that the plaintiff had been informed by a letter wrote from *Carolina*, by a ship called the *Collet*, to one Mr. *Crockatt*, that the *Polly*, the ship insured, had sailed ten days, or a fortnight, from *Carolina* before the ship *Collet*, and that the ship *Collet* had arrived in England about seven days before the insurance was made, and the plaintiff had not informed the defendant of this, which was insisted on to be a fraud in the plaintiff sufficient to discharge the defendant of this insurance, it being, as was insisted, a settled and established rule, that on making an insurance, all material circumstances relating to the adventure ought to be disclosed to the insurer for him to judge upon; and the chief justice allowed this rule, and declared his opinion, that the concealment insisted on was a sufficient circumstance to discharge the defendant from the policy; for he said, that these contracts are made upon a mutual faith and credit, and that to conceal such circumstances which make any difference in the adventure, is fraudulent, for the insurer ought to have the advantage of judgment upon them, and that where there is such concealment, the insurance ought not to bind. But the defendant not being able to make out this fact to the satisfaction of the jury, the plaintiff had a verdict.

N. B. In this case the insurance was a re-insurance, and it was said by several policy-brokers, that when policies are made interest or no interest, it is generally in such cases of re-insurances. *Rooke v. Thurmond*.

The plaintiff caused himself to be insured on the *Prince Frederick*, from *Vera Cruz* to *London*, interest or no interest, free of average, and without benefit of salvage.

The ship was afterwards seized by order of the viceroy of *Mexico*, and the Spaniards turned her into a man of war, called her the *St. Philip*, and sent her as commodore with a squadron of Spanish men of war to the

Havanna, they having first taken out the *South-Sea* company's arms, and made several alterations in her; and there was a war between *England* and *Spain*, and *Gibraltar* was actually besieged by the Spaniards.

The defendants proved the signing of preliminary articles of peace before the seizure of the ship, and therefore insisted that this seizure did not alter the property, and consequently the defendants were not liable; for if the property was not altered, this insurance made by the plaintiff, who had no interest, cannot bind, as nothing comes within the policy but a total loss, and though there be these general words in the policy, *restraint or detention by princes, Hardwicke*, chief justice, declared,

First, that a war might begin without an actual declaration by proclamation, as in this case, by laying siege to *Gibraltar*, a garrison town, though there might be depredations at sea between princes in amity, for which letters of marque, &c. might be granted.

Secondly, as a war may begin by hostilities only, so it may end by cessation of arms; and these preliminary articles being signed before the seizure of the ship, and there being a cessation of arms, he thought the ship being taken afterwards not to be a taking by enemies, unless the jury took the caption to begin from the time the arms were seized, which was before the articles, and that was left to the jury.

Thirdly, supposing the ship not taken by enemies, *quære*, whether this detention for near the space of a year was, in those sorts of policies, viz. interest or no interest, a detention within the policy, or whether in such policies the insurers are ever liable but in case of a total loss; and if so, this ship being afterwards restored, then he directed the jury to find for the defendant. This, he said, depended on the custom or usage among merchants, and the jury gave a verdict for the defendant, but did not declare upon what point; but they must be of opinion she was not seized in time of war, and that therefore the policy being interest or no interest, the assurers were not liable, because there was no total loss.

In this case the insurance was made by one *Deflores* for the plaintiff, and *Deflores* wrote his name on the policy, and before the trial it was filled up with these words, *I made this for the benefit of Spencer*, and no date; and it was admitted the action was well brought by *Cestuique Trust*. *Spencer and Franco*.—See INSURANCES.

ACTION in regard to promissory notes. 1. Actions to be brought upon promissory notes, shall be brought within the time appointed for bringing action by 21 Jac. c. 16. 3 and 4 Ann. c. 9. sect. 2.

Upon a promissory note dated in 1704, the defendant pleaded *actio non accrevit infra sex annos*: the plaintiff replied a bill filed 12 Ann. and after verdict the judgment was arrested, because in this case the day is material. *Cole and Hawkins. O. Stafford v. Forcer*.

2. The plaintiff declared that the defendant, *fecit quandam notam in scriptis per quam promisit solvere*: and exception was taken, that here is no signing by the defendant, as the statute requires; and the case, *Taylor versus Dobbins*, had the words *manu sua scripta*, which was the ground of the judgment in that case. But in the principal case the court held, it was well enough, for unless it was signed or wrote by him, it could not be such a note whereby the defendant promised to pay. Judgment for the plaintiff. *Elliot v. Cowper. Boyce v. Fisher*.

3. Debt upon two promissory notes and a *mutuatus*; and, on demurrer to the declaration, I objected that an action of debt would not lie; and before the statute no action at all lay upon the note, as a note, (*Salk. 129*); nor did an *indebitatus assumpsit* lie on a bill of exchange. And the only remedy given upon the note by the statute, is the same that was before on an inland bill of exchange. And of this opinion was the court, and pronounced judgment for the defendant. But then it was observed by serjeant *Comyns*, for the plaintiff, that there was one good count upon the *mutuatus*, and the demurrer was to the whole. Whereupon judgment was given for the plaintiff, which I believe it will be difficult for him to enter, so as to maintain it. *Welsh v. Craig*.

4. Case upon a promissory note. And the declaration set forth, that the defendant and another did *conjunctim vel divisim* promise to pay. *Demurrer inde*; and for the defendant,

defendant, it was insisted, that the *action* should have been brought against both. *Et per Parker*, chief justice. The plaintiff might have brought it against either or both, for he had his election if the *action* had been against both, he should have declared as he now does; but that is not right in the *action* against the one only, for he should have declared generally, that this defendant, by his note, promised to pay, and a several note by two would have been good evidence; as where there are several obligors, and one only sued, no mention is made in the declaration of the other obligors. Suppose the note had been to pay fifty pounds, or one hundred pounds, the plaintiff is intitled to either, but uncertain which, till he has made his election; for he that speaks in the disjunctive says true, if either member of the disjunctive be verified; whereas, he that speaks in the affirmative, affirms both parts to be true.

The plaintiff prayed leave to discontinue, on payment of costs, which was granted; and at another day moved, that he might change his rule to one to amend on payment of costs; but this last motion was denied. *Butler v. Maliffy. Ovington v. Neale.*

In case, upon a promissory note, the declaration ran, that the defendant made a note *et manu sua propria scriptum*. Exception was taken, that since the statute he should have said, that the defendant signed the note, but the court held it well enough, because said to be wrote with his own hand; and there needs no subscription in that case, for it is sufficient his name is in any part of it. I J. S. promise to pay, is as good as I promise to pay, subscribed J. S. *Taylor v. Dobbins.*

The plaintiff brought an *action* upon the case against the defendant upon several promises. One count was made upon a general *indebitatus assumpsit*, for money lent to the defendant. Another count was upon the custom of merchants, as upon a bill of exchange; and shewed, that the defendant gave a note subscribed by himself; by which he promised to pay ————— to the plaintiff or his order, &c. Upon *non assumpsit*, a verdict was given for the plaintiff and entire damages. And it was moved, in arrest of judgment, that this note was not a bill of exchange within the custom of merchants; and therefore, the plaintiff having declared upon it as such, was wrong: but that the proper way in such cases is to declare upon a general *indebitatus assumpsit*, for money lent, and the note would be good evidence of it. But it was argued, by Sir Bartholomew Shower, in Michaelmas term for the plaintiff, that his note, being payable to the plaintiff or his order, was a bill of exchange, inasmuch as by its nature it was negociable: and that distinguishes it from a note payable to J. S. or bearer, which he admitted was not a bill of exchange, because it is not assignable, nor indorsable by the intent of the subscriber; and consequently, and therefore, it cannot be a bill of exchange, because it is incident to the nature of a bill of exchange to be negociable: but here this is negociable, for if it had been denied to J. N. J. N. might have brought his *action* upon it as upon a bill of exchange, and might have declared upon the custom of merchants. Why then should it not be before such indorsement a bill of exchange to the plaintiff himself, since the defendant, by his subscription, has shewn his intent, to be liable to the payment of this money to the plaintiff or his order; and since he hath thereby agreed, that it shall be assignable over, which is by consequence that it shall be a bill of exchange; that there is no difference in reason betwixt a note which saith, I promise to pay to J. S. or order, &c. and a note, which saith, I pray you to pay to J. S. or order, &c. They are both equally negociable; and to make such a note a bill of exchange can be no wrong to the defendant, because he, by the signing of the note, has made himself to that purpose a merchant, (2 Ventr. 292. *Sarsfield v. Witherly.*) and has given his consent, that his note shall be negotiated, and thereby has subjected himself to the law of merchants. But *Holt*, chief justice, was *totis viribus* against the *action*, and said, this note could not be a bill of exchange; that the maintaining these *actions* upon such notes, were innovations upon the rules of the common law; and that it amounted to the setting up a new sort of specialty, unknown to the common law, and invented in Lombard-

street, which attempted in these matters of bills of exchange to give laws to Westminster-hall; that the continuing to declare upon these notes upon the custom of merchants proceeded from obstinacy or opinionativeness, since he had always expressed his opinion against them; and since there was so easy a method as to declare upon a general *indebitatus assumpsit* for money lent, &c. As to the case of *Sarsfield v. Witherly*, he said he was not satisfied with the judgment of the King's-Bench; and that he advised the bringing of a writ of error.

Gould, justice, said, that he did not remember it had ever been adjudged, that a note, in which the subscriber promised to pay, &c. to J. S. or bearer, was not a bill of exchange: that the bearer could not sue an *action* upon such a note in his own name, is without doubt, and so it was resolved between *Horton and Coggs*, now printed in 3 *Læv.* 299; but that it was never resolved, that the party himself (to whom such note was payable) could not have an *action* upon the custom of merchants upon such a bill. But *Holt*, chief justice, answered, that it was held, in the same case of *Horton v. Coggs*, that such a note was not a bill of exchange within the custom of merchants: and afterwards, in the Easter-term, it was moved again, and the court continued to be of opinion against the *action*; and Mr. *Brantwaite*, for the plaintiff, urged, that if this note was not a bill of exchange within the custom of merchants, then the promise found upon it was void; and then it could not be intended that any damage was given by the jury for the breach of, but all the damages must be intended to have been upon the general *indebitatus assumpsit*. *Holt*, chief justice, said, that would be true, if it had been void by reason of its being infensible; but this matter is sensible enough, though not sufficient in law to raise a promise; and therefore one cannot intend, but that damages were given for it; and consequently that judgment must be arrested. And judgment was given, *quod querens nil capiat per billam*, &c. by the opinion of the whole court. *Clerke v. Martin. Potter v. Pearson. Burton v. Souter.*

In an *action* upon a promissory note, Mr. *Acherly* moved in arrest of judgment, that the plaintiff had declared, upon the statute of 3 Ann. c. 9. which provides, that a man shall have the same remedy upon a promissory note, as upon a bill of exchange; and therefore he ought to declare in the same manner upon both. Now, in *actions* upon bills of exchange, it has been determined, that it is not enough barely to set forth, that a bill of exchange was drawn; but the party ought to conclude, and *sic indebitatus existens super se assumpsit*, so as to alledge an express promise; and for the same reason he urged, that it is not enough for the plaintiff to set forth here, that the defendant *fecit notam promissoriam*: but he ought to go on, and make the same conclusion as aforementioned; otherwise, he said the issue could only be *non fecit notam promissoriam*, and not *non assumpsit*, as the constant method in these cases is. Now, in the present declaration, he said this conclusion is wholly omitted. Mr. *Lee*, on the other side, answered, that this very exception was expressly over-ruled in the case of *Conyers and Lowther*; and the court were of the same opinion. Judge *Page* said, that this matter has been doubted, even in the case of a bill of exchange, though now it is settled: but the reason for that he took to be, that a bill of exchange is only an order upon a third person to pay, and no express promise at all; whereas in the present case there is. *Dutton* and his wife against *Staples*.

Case upon a promissory note, which ran thus, "I promise to pay to A. B. eight pounds, so much being due from me to C. D. my landlady, at Lady-day next, who is indebted in that sum to A. B." Upon the trial, it appeared the landlady died before Lady-day, whereby the reversioner became entitled to the rent; and therefore it was insisted for the defendant, "That the note was only conditional, for it could not be supposed he intended to oblige himself to pay the rent twice." But the chief justice held, that as to the plaintiff, the death of C. D. signified nothing, for the note was due on demand; and the mentioning upon what account the money would be due, for which the defendant obliged himself,

self, can only be taken as an intention to shew he had answered the rent to her if she should come upon him for it when it became due. The plaintiff recovered. *Anon.*

An *action* was brought by the indorsee of a promissory note to A, or order; and it was proved before trial, on behalf of the defendant, that the plaintiff might produce the note, and leave it with his attorney, in order to be inspected by the defendant, his attorney, &c. on a suggestion that the note was forged; and it was insisted for the defendant, that since even a bond, upon such motion, might be produced, much more might a note: but it was answered, by the council for the plaintiff, and *per curiam*, though a bond might be produced, being under hand and seal, yet that was upon this occasion, that the plaintiff declares upon it, with a *proferit in curia*, yet there is no instance that in this, or such a case, a plaintiff was ever obliged to produce his evidence of what is the foundation of his action; and the statute 3 and 4 Ann. c. 9. makes no difference between these notes and inland bills of exchange, but in the point of pleading; and there is no instance since the statute (which must have often happened) that ever such a motion was made, or granted; nor before the statute, that ever a bill of exchange was produced upon such motion. *Odams v. the Duke of Grafton.*

In the case, upon *assumpsit*, the plaintiff declared that the defendant, in consideration that the plaintiff, at the special request of the defendant, *deliberasset* to the defendant *quandam notam*, by which one *Hurst* assumed to pay to the plaintiff an hundred guineas, assumed to pay to the plaintiff, &c. Upon *non assumpsit* pleaded, verdict for the plaintiff. And now Mr. *Gilbert* moved in arrest of judgment, that the consideration of this promise was not good, since it did not appear that *Hurst* gave this note to the plaintiff upon any good consideration, and consequently said the note would be void, and then the delivery of the said note by the plaintiff to the defendant would be no prejudice to the plaintiff, nor advantage to the defendant: but it was resolved, *per totam curiam*, that this was a good consideration; for, though no consideration was expressed in *Hurst's* note, yet the note being subscribed by *Hurst*, was good evidence of a debt due from *Hurst* to the plaintiff, and therefore the delivery of the evidence of his debt to the defendant, at his request, was a good consideration of the *assumpsit* of the defendant, upon which this action was brought, and judgment was given for the plaintiff. Note, *Holt*, chief justice, said, that he was of opinion, upon the trial, that it was not necessary for the plaintiff to prove upon what consideration the note of *Hurst's* was given, the defendant having admitted it to have been given upon good consideration by his promise. *Meredith v. Chute.* For further particulars and adjudged cases on this head, see PROMISSORY NOTES, INDORSEMENTS, &c.

ACTION for usury. In such action the statute against usury must be pleaded, and a corrupt agreement set forth: it is not sufficient to plead the statute, and say that for the lending of 20l. the defendant took more than 5l. per cent. without setting forth a corrupt agreement or contract.

And in pleading an usurious contract by way of bar to an action, the whole matter is to be set forth specially, because it lay within the party's own privacy; but in an information on the statute, for making such a contract, it is enough to mention the corrupt bargain generally, by reason matters of this kind are supposed to be privily transacted; and such information may be brought by a stranger.

ACTION, in French commerce, signifies sometimes moveable effects: thus they say, that a merchant's creditors have seized upon all his *actions*; which is as much as to say, that they have taken possession of all his active debts, that is, the debts owing to him.

ACTION Rehabitory, is an *action* at law, by which the buyer may oblige the seller to take back damaged goods, or such as do not prove according to the agreement.

ACTION of a company, is an equal part, or portion of stock, of which several, joined together, make the capital fund, or stock, of a trading company. Thus a company, which has 300 actions, of 1000l. each, has a

fund of 300,000l. which is to be understood in proportion as the *actions* are settled at a larger or smaller sum. A merchant, or any other person, is said to have four or six actions in a company, where he has contributed to the capital stock, and is concerned in it for, 4, or 6000l. if the actions are of 1000l. as we have just supposed.

A proprietor cannot have a deliberative vote in the assemblies of a company, unless he has a certain number of *actions*, fixed by the letters patents of its establishment; nor can he be a director, unless he has still a greater number of *actions*.

ACTION signifies also the bonds, contracts, and acknowledgments, or stock in general, which the directors of trading companies transfer, or deliver, to those who have paid their money into the company's cash, and made themselves proprietors. Thus, to deliver an *action*, is to expedite in due form the title by which the actionary becomes a proprietor of the *action* he has taken out.

The *actions* of trading companies rise or fall, according as such companies gain or lose credit. A very small matter often occasions this rising or falling of the *actions*, and frequently one uncertain rumour of a rupture between neighbouring powers, or the hope of an approaching peace, when they are at war, is sufficient to lower, or raise the price considerably, at which they are usually negotiated. It was seen in France, in the year 1719, how far the credit of a company is capable to carry that of its *actions*: those of the company of the West-Indies, known since by the name of the India company, having rose, in less than six months time, to 1,900 per cent. which had never happened to any other company, however high were its power or credit.

Before the war which France declared against the states-general of the United Provinces, in 1672, the *actions* of the Dutch East-India company had rose to 650 per cent. which is the utmost height to which they were ever known to arrive. But, in the first months of that war, which was like to have proved so fatal to that republic, the *actions* fell to less than 250. The company having afterwards retrieved themselves, their *actions* rose again, after the peace of Nimeguen, in 1678. The different ruptures that have happened since, between France and Holland, till the treaty of Utrecht in 1713, either on the account of the league of Augsburgh, or the succession of Spain, did indeed occasion some fall in the *actions*, but always inconsiderable in comparison to that of 1672; and they easily resumed their price at the end of each war, and even rose higher than they had been before: so that in the year 1718, they were not much below 600 per cent. the *actionists*, as they are called in Holland, thereby seeing their capital increased to six times its original value, and each *action*, which, at the establishment of the company, cost only 500 livres de gros, or 3000 florins, being then worth 18000 florins.

The trade of *actions*, or stocks, is one of the most considerable that is carried on upon the exchange at Amsterdam, and in all the other cities of the United Provinces, where there are chambers, or courts, of the East-India company; and there are even great numbers of people who subsist and enrich themselves by this traffic only. What renders this trade so common, and often so profitable, in Holland, is, because it can be carried on without any great fund of ready money, and consists only, if we may use the expression, in a continual vicissitude of buying and selling of *actions*, which they buy when they fall, and sell out again when they rise.

In the buying or selling of *actions* of the Dutch East-India company, a broker is almost always employed; and, when the price is agreed upon, the seller transfers them, and signs the acquittance, or receipt, in the presence of one of the directors, who causes them to be booked by the secretary, or register, which is sufficient for transferring the property of the stock sold, from the seller to the buyer. The broker's fee for his trouble is usually at the rate of six florins for each *action* of 3000 florins, one half paid by the buyer, and the other by the seller.

It is not so easy to speak of the trade in the *actions* of the French, as of that in the *actions* of the Dutch companies, every thing in the latter being transacted with the utmost regularity, and exact form; and all things in the former being at first conducted with a kind of frenzy, which

which seemed to have seized all persons, whom the prudence of the directors could not moderate for a great while; and which had, in a manner, cleared all the shops at Paris of their traders, to make as many brokers or stock-jobbers of them, and had robbed the neighbouring states of their inhabitants, who came to share the immense fortunes of the street called *Quinquempoix*, where the caprice of the people had in a manner fixed the center of that rich traffic, as Change-alley, near the Royal Exchange, was at London, in 1720.

The method of transferring *actions*, or stocks, at Amsterdam is thus: when two persons have agreed between themselves, or by the assistance of a broker, upon the price of one or more *actions*, and they are to be delivered, the seller goes to the East-India house, to make his declaration to the book-keeper, who immediately enters it, and, after having made the seller sign it, causes it also to be subscribed by one of the directors, before whom the seller must likewise declare, by word of mouth, that he has sold it. The transfer being thus registered, and the seller having informed the buyer of it, the latter has a right to go and assure himself further of it at the East-India house, in case he does not think fit to trust the person with whom he has negotiated: after which, he ought to cause the value of his *actions* transferred to be passed over at the bank to the seller's account, who, when he is certain that the value has been placed to his account, or credit, at the bank, returns to the East-India house, and signs the acquittance, or receipt, at the bottom of the transfer, which he has made. As long as this acquittance is not signed, the purchaser cannot dispose of the *actions* transferred, though he has paid for them: but, in case of the seller's refusal to sign such acquittance, after receiving the full value, he may be compelled to do so, only by a petition to the echevins, or aldermen. Each transfer costs three florins and ten stivers, both, for the seal, and to the book-keeper.

It must be observed, that the registers of transfers consist of printed forms, in which the clerks have only to fill up the blanks. These forms are called seals, because they have an impress upon them, not unlike the stamped paper of France. This regulation for the transfer of actions was established by several placarts, or decrees, of the states-general of the United Provinces; and, among others, by those of July 15, 1621, May 30, 1624, and September 16, 1677. By the same decrees, all persons, of what quality soever, are prohibited to sell, either for a fixed term, or for the present, any *actions* of the company, either for their own account, or the account of others, unless the said actions be really and actually entered in their name, or in the name of those for whom they sell, at the time of such sale, upon penalty of the seller's paying a fine of one fourth part of the price for which they shall have sold them: ordering further, that the transfer of them shall be registered within the space of fourteen days after the sale, if they were sold in a city where an office, or chamber of the East-India company is kept, or within a month, if it be in another city, under the same penalty of being fined a fourth, nor shall the contracting parties have power to except against those placarts or decrees, nor the brokers for them; upon pain of the latter being immediately deprived of their office, and the former, not brokers, punished arbitrarily, as the case shall require.

The French *ACTIONS* are, at present, of three sorts; namely, *simple actions*, *actions rentieres*, or rent actions, and *actions intéressées*, or actions bearing interest.

The *simple actions* are those which have a share in all the company's profits and losses, having no other security than the company's fund only.

The *actions rentieres*, or rent actions, are those which have a profit certain of two per cent. for which the king made himself security, as he was formerly for the annuities upon the city; but they have no share in the dividends.

The *actions intéressées*, or bearing interest, are, as it were, a medium between the two former; they have two per cent. fixed revenue, with the king's security, like the rent actions; and must, besides, share the overplus of the dividends, with the simple actions. These actions were established in behalf of such ecclesiastical

communities, as might have money to put out to use.

Besides this distinction of *actions*, authorized by the king's edicts and declarations, the caprice of the stock-jobbers of the street *Quinquempoix* had invented many others; as *actions* of the old welt, *actions* of the five hundred, of mothers, of daughters, and some others equally ridiculous. But, all these terms came to nothing at the same time, with the credit of that street.

To *feed an ACTION*, is to pay exactly, when they become due, the several sums subscribed to the stock of the company, according to the orders of council, made for the creation of new *actions*; to sell or dispose of them, according to the occasion, for cash, either to feed other actions, or for other affairs.

An *ACTION fed*, is one upon which all the payments have been made, and which is capable of sharing in the dividends of the company's profits. Till this complete and entire payment is made, it is not properly an *action*, but a subscription.

Dividend is what is otherwise called *repartition*, that is, the part, or share, which each proprietor of *actions* is to have out of the profits of a company, in proportion to the number of *actions* he has in it.

Observations on the commerce of actions in foreign countries, from the year 1719 to 1721.

What we shall add here relates only to the *actions*, or stocks, of some foreign companies, which have been carried to as great an excess as those of France, and have met with the same success; the insatiation and avidity of suddenly growing rich having been in a manner equal amongst almost all the nations of Europe, whereby an ill use was made of one of the best and most advantageous establishments that ever was, for the encrease of trade and its flourishing condition in a country.

The example of what passed in France, in the trade of *actions*, and the immense fortunes which some persons made there, tempted both the English and the Dutch at the same time; so that an infinite number of new companies were soon seen to deluge, in a manner, England and Holland. Amsterdam, Leyden, and Haerlem were almost the only cities in the United Provinces which were not carried away by the torrent; and so prodigious a number of those chimerical establishments were seen in London, that the whole trade of that great metropolis was almost reduced to the sole negotiation of stocks; which, by their fall, ruined the fortunes of many considerable merchants, and several of the most illustrious families of Great-Britain.

The companies whose stocks, or actions, made the greatest noise at London, were, among the old ones, the South-Sea, the East-India, and the Bank.

The South-Sea stock, which in the beginning of April, 1720, was only at 120 per cent. was raised, in the month of July following, to 2020 per cent.

Bank-stock rose from 148 to 300, and East-India stock from 198 to near 500.

These times, so favourable to the old proprietors, continued scarce a few months: after several fluctuations, South-sea stock fell in November to 100, and, towards the beginning of the year 1721, it could be raised only to 150 per cent. Bank-stock to 130, and East-India-stock to 160: and they fell afterwards into such a discredit, that the parliament made it their chief business, for above a year, to discover and punish the frauds and mismanagements of the cashiers and directors of those three companies, and to restore the credit of their stocks, which could not be accomplished before the year 1723.

The London assurance company was, of all the new companies in England, that which seemed to make its first appearance, under the most favourable auspices. Its stock, on which only ten per cent. was paid at first, presently rose to 120 per cent. that is, to twelve times the capital paid in, and even to 160. This flourishing state continued but a short time. A storm, which, towards the end of October 1720, occasioned the loss of twelve Jamaica ships, gave the affairs of that infant company so terrible a shock, that its stocks fell the same month to 60; other losses having also weakened it some time after, the stocks fell to 12 or 15 per cent. In short,

towards

towards the close of the same year, this promising company scarce subsisted, but in the complaints the proprietors made of being cheated by the directors.

The *actions* of the new companies established in Holland, or augmented according to the model of those of England, soon experienced the like revolutions.

The directors of the West-India company, having obtained leave from the states-general to take in new subscriptions, at the rate of 250 per cent. soon saw them rise to 650; but, falling afterwards almost on a sudden, they came down to cent. per cent.

The *actions* of the company of assurance, established at Rotterdam, in the beginning of July 1720, on which only four stivers per 100 guilders had been advanced, that is to say, 10 guilders for every *action* of 2500 guilders, soon rose to cent. per cent. But their credit hardly continued some months, when nobody would give 18 per cent. for them.

Those of Gouda (or Ter Goude) for which but one per cent. was paid in, after having sold at the rate of 30 per cent. soon fell again to their original value.

Those of the Delft company met with the same fate, and in a shorter time. In short, as there was scarce a city in North Holland, even to the most inconsiderable, where, after the example of Rotterdam, companies of navigation and assurance had been established, so there was not one, in which the avarice of the proprietors was not punished by the fall of their *actions*, and the entire loss of the money employed in them.

From this succinct account of the extravagant rise and fall of *actions* or stocks in these several companies both at home and abroad, it may prove of singular utility to the novices in these matters, to lay before them the sentiments of those who have set their fatal consequences in the strongest light, in order to warn posterity against being led into the like calamitous schemes and projects.

The close connexion which at present subsists between the monied and trading interests of these kingdoms, makes this the more natural and necessary, our trade having then received, and indeed always must receive, the greatest injury from such enormous abuses, as happened in our stock negotiations, in that famous æra in England, called the South-sea year.

Such is the nature of public credit, that none will lend their money to the support of the state under the most pressing emergencies, unless they can have the privilege of buying and selling their property in the public funds, when their occasions require. It is certain, therefore, that the greatest delicacy and tenderness are to be observed, in laying any restraints upon these transactions, lest the public credit should be thereby irrecoverably prejudiced.

In regard to great trading companies and banks, which carry on business, and make thereby a certain and apparent profit, it can never be difficult for the chief managers of such corporations to be able to judge pretty nearly, at all times, of the value of the properties of their constituents: and whenever the value of their *actions*, by any kind of artifices or unfair practices, are made to rise and fall beyond their real worth, it seems a duty incumbent on them to set the public right upon those interesting occasions.

It has been thought by some very wise and honest men, that one way to prevent those evils, which may attend the sudden and exorbitant rise and fall of stocks, would be, if these companies were obliged, once a year, to state an account of trade, and of their real profits, and lay it before their general court; and if they were tied down from dividing more than their profits, as the Dutch East-India company are said to have done, with great honour and stability to that corporation.

The circulating specie in this kingdom is reckoned by Erasmus Philips, Esq; to be about fifteen millions, and our annual money transactions, above one hundred and twenty millions; which, according to his way of reckoning, would not make less than one hundred and fifty millions. The deficiency is supplied by paper circulation, and that of the funds. This great disproportion between paper and specie currency shews, that, without the former, the business and trade of the nation must

be, perhaps, proportionably stagnated; unless we could supply our deficiency in currency by hard money.

If by such arts as were practised in the Mississippi and South-sea times, the stocks of this nation, belonging to our public companies, should be blown up again to be nominally worth one thousand times more than they intrinsically are; although this would increase the quantity of paper circulation; yet, as it would not increase our commerce in proportion, it would only draw the money out of all the channels of trade, and reduce us to real beggary, by grasping at imaginary wealth.

To support the public credit of the nation upon a solid basis, and to prevent the spreading of these corruptions and enormities in our public companies for the future, the sentiments of those cannot be too often inculcated throughout the kingdom, who have zealously laboured to guard us against the like public distress and calamity, which the nation was plunged into in the South-sea year.

As this matter is set in a strong and affecting light in what was urged by a wise and honest man in those phrenetical times, we shall give the reader the substance of it, with some suitable variations. And as for other political hints, which are interlarded, and which are not directly pertinent to the point we intended to illustrate, the reader may pass them over as he thinks proper; since curtailing the piece would be to destroy the spirit of it.

The gentleman whose sentiments these are, having explained the true nature of public credit, which consists, as he says, in the affluence of trade, the general wealth of the nation, and the confidence of the people in the justice and integrity of their governors, proceeds thus:

"I have endeavoured to shew what, and what alone, ought to be called credit. But there hath lately risen up, in our age, a new-fangled and fantastical credulity, which hath usurped the same name, and came in with the word bite, which hath been made free of a neighbouring court; whereby the poor, innocent, industrious, and unwary people have been delivered into the ravenous and polluted jaws of vultures and tigers; and thousands, I had almost said millions, have been sacrificed, to satiate the gluttony of a few. This hath inverted the œconomy and policy of nations; made a great kingdom turn all gamesters; and men have acquired the reputation of wisdom, from their skill in picking pockets. It hath entered into the cabinets of courts; hath guided the counsels of senates; and their whole wisdom, and most of their time, hath been employed in keeping up this vile and airy traffic, as if the business of government was not to protect people in their property, but to cheat people out of it.

"This is eminently true in a neighbouring country (meaning France, where the Mississippi scheme was set on foot in 1719) and I wish I could say, that nothing like it happened amongst ourselves. Neither public nor private credit can consist in selling any thing for more than it is worth, or for any thing but what it is. It is certainly the interest of a country, that its commodities should sell at a good price, and find a ready vent; that private men should be able to trust one another; that land should find ready purchasers, good securities, money at low interest; and that mortgages should be easily transferrable. And the way to bring these good purposes to pass, is to ascertain titles; give ready remedies to the injured; to procure general plenty by prudent laws, and by giving all encouragement to honesty, industry, and trade. But it will never be effected by authorizing, or countenancing frauds; by enabling artful men to circumvent the unwary, stamping the public seal upon counterfeit wares; and by constantly coining a new sort of property, of a precarious, uncertain, and transitory value; and, by constant juggles and combinations, conspiring to make it more so; which conduct, whenever practised, must soon put an end to all public and private credit.

In what country soever these practices meet with encouragement, all fair and honest commerce will be turned into juggling. There will quickly grow a sort of cabalistical learning; and there will be a secret and a vulgar

vulgar knowledge; one to be trusted only to the *verè adepti*, and managers of public companies; and the other to be divulged to the people, who will be told nothing but what it is for the interest of their betters to communicate; and pretty advantages may be made by being in the secret. As for example; just before any public misfortune is to make its appearance, those who know it may sell out their *actions*, or stocks; and in the height of the danger buy again; and when it is over, by taking another opportunity, they may sell a second time, and, when these evils are averted, they may go to market once more; and so, *toties quoties*, 'till the greatest part of the property of a kingdom, or a public company, is got into the hands of but a few persons, who will undoubtedly govern all the rest. Nor can these mischiefs be possibly prevented, but by wholly destroying this sort of traffic, or by appointing skilful pilots to set up occasional buoys and sea-marks, according to the shifting of the winds and the tides; that is, by ascertaining and publishing the real value of public securities, as often as there is an alteration made in them by new provisions, or by wholly preventing the abuses occasioned by the mere trade of stock-jobbing.

" 'Till something of this kind is done, it is foolish to think, and worse to pretend to think, that any effectual methods can be taken to discharge and pay off the national engagements; for in whatever country it happens, that the public funds become the markets and standing revenues of those who can best cure the evil; where great and sudden estates may be more easily raised by knavery and juggling, than small ones by virtue and merit; where *plumbs*, a cant word for 100,000 l. may be got at once, and vast societies may be made the accomplices of power, in order to be indulged with separate advantages; it is not to be hoped, that effectual methods will be taken to dam and choak up such inexhaustible sources of wealth and dominion. On the contrary, it is to be feared that new projects will be yearly invented; new schemes coloured with popular pretences, to toss and tumble the public securities, and to change them into as many shapes as Proteus knew.

" One year shall metamorphose the schemes of another, and the next shall undo both. The leaders of one faction shall unravel the projects of their predecessors; shall charge their designs with corruption and rapine, and be more rapacious themselves; and all, in their turns, shall raise immense estates upon the public ruins; and the last spirits shall be always the worst.

I would gladly know what advantage ever hath, or ever can arrive to the public, by railing stocks to an imaginary value, beyond what they are really worth to an honest man, who purchases them for a regular support to himself and family, and designs not to sell them again, 'till he hath occasion for the money they will produce. It can most assuredly serve no honest purpose, and will promote a thousand knavish ones. Besides these above-mentioned, it turns most of the current coin of England out of the channels of trade, and the heads of all its merchants and traders off their proper business. It enriches those who are instrumental to bring no riches into the nation by fair and honourable traffic, and it ruins the innocent, who are unacquainted with the tricks and artifices of stocks-juggling. It hath changed honest commerce into bubbling; our traders into projectors; industry into tricking; and applause is earned, when the pillory is deserved. It hath caused all the confusion in our public finances. It hath overwhelmed the nation with debts and burthens, under which it is almost ready to sink; and it hath hindered those national debts from being paid off; for if stocks fell for more than the prices at which they are redeemable, or more can be got by mere jobbing than by discharging them, then all arts will be used to prevent a redemption.

" It is folly in any one who is the least acquainted with the affairs of nations to pretend not to see, that if we do not soon put our public debts in a method of being paid, they can never be paid: but will any do their utmost to prevent so fatal a mischief to their country, who do not intend it? If there are any such, they should undoubtedly take early care to save them-

selves out of the general wreck, which very few will be able to do, though all may intend it. Those in the secret will have the advantage; for, when selling of stocks becomes the word, no one can sell, unless he sells for little or nothing. All are waiting for a rise; and, if that happens, all or most will endeavour to sell, and then all selling is at an end. The managers and brokers will engross the books, as they did in the South-sea year, and command the first sale; and, by the time they are got out, no one will be able to get out.

" There is nothing left to be done, but for all honest men to join heads, hands, and hearts, to find all means to discharge the public burthens, and to add no more to them; to search every measure, whereby we can lessen the national expences; to avoid all occasions of engaging in new ones; and to do all in our power to encrease the public wealth by solid trade, which will afford constant employment for our people, and convert our paper-money into substantial cash."

Such a revolution of property did this abuse, in the buying and selling of stocks, occasion in England in the year 1720, that a zealous advocate for the publick interests expresses himself in the following manner, which will give us a strong idea of what may be expected on the like occasion.

" What, says he, can be more invideoous, than for a nation staggering under the weight and oppression of its debts, eaten up with usury, and exhausted with payments, to have the additional mortification to see private and worthless men riot in their calamities, and grow rich, whilst they grow poor; to see the town every day glittering with new and pompous equipages, whilst they are mortgaging and selling their estates, without having spent them; and to see blazing meteors suddenly exhaled out of their jakes, and their mud, and as in Egypt, warmed into monsters."

ACTIONARY, or ACTIONIST, a proprietor of stock in a trading company. In France the word *actionnaire* is in use, and that of *actioniste* in Holland. It is lawful for an actionary or proprietor, to sell his actions or stock, either in whole or in part, with loss or with gain.

ACUDIA, an American insect, of the bigness and form of the beetle, which is said to emit light through four luminous spots, whereof two are near its eyes, and two under its wings. It is further said, that if the face be rubbed with the moisture of those luminous spots or stars, it will appear shining with light as long as it lasts; and that this moisture gave light to the Americans in the night, before the arrival of the Spaniards.

ACUITZEHUARIRA, or ZOZOTAQUAM, or CHIPAHUARZIL, a plant of Mechoacan, a province of America. Its root is round, white inwardly, and yellow outwardly. A water is distilled from it, which the Spaniards call the *enemy of poisons*, against which it is perhaps an antidote.

ADAMICA TERRA. The bottom of the sea is besmeared with a saline, glutinous, fat, mucilaginous slime or mud, like unto jelly, and is easily perceptible at low water. This mud makes the places the waters have abandoned so slippery, that there is scarce any walking on them. It appears to be a sediment of the most slimy and oily particles of the sea-waters, which continually precipitate, in the same manner as the sediment fresh water forms insensibly on the bottom of the vessels it is kept in. It is conjectured, that besides the great number of fishes and plants that die frequently and rot in the sea, the air contributes also in some degree to the augmentation of the mud; for it is observed, that the *terra adamica* is found more abundantly in vessels only covered with a linen cloth, than in those which have been hermetically sealed. *Memoires of the French Royal Academy, year 1700, page 29.*

ADAM'S PEEK, the highest mountain of Ceylon in the island of Colombo. It is two leagues in height, and on its summit is a plain of two hundred paces diameter. *Long. 98. 25. lat. 5. 55.*

ADARME, a small Spanish weight used at Buenos-Aires and in Spanish America. It is the sixteenth part of our ounce Troy weight, which is to that of Madrid, as 100 is to 93.

ADATAIS,

ADATAIS, a clear fine muslin chiefly made at Bengal; the piece measures 13 yards, and is one yard in breadth.

ADDAD, the name given by the Arabs to the root of an herb which grows in Numidia, and in some other parts of Africa. It is exceeding bitter, and so violent a poison, that thirty or forty drops of its distilled water cause death in a short time.

ADDITION in *Arithmetic*, is that rule by which several numbers are collected and put together, that fo their sum, or aggregate, may be known.

In order to render this rule easy, two things must be carefully observed,

1. That the numbers be placed in such a manner, that the figures of the same value may stand underneath each other. That is, units must be placed under units, tens under tens, hundreds under hundreds, &c. Thus, if the number 7432, and 621 were to be added together, they must be placed in this manner,

2. When the figures are placed according to the foregoing directions, each row or column must be collected into one sum in the following manner.

Always begin your addition at the place of units, and add together all the figures which stand in that row; if their sum be less than ten, set it down below the line, directly underneath its own place; but if their sum exceed ten, you must set down only the excess, and for every ten carry one to the row of tens, adding whatever you carried, and all the figures which stand in that row together, in the same manner as those of the units were added; in like manner proceed to the place of hundreds, till the whole is finished.

Thus, for example, let it be required to add the numbers 7496 + 432 + 9812 + 714 + 91, into one sum.

These being placed according to the above method, will stand

$$\begin{array}{r} \text{Thus } \left\{ \begin{array}{r} 7496 \\ 432 \\ 9812 \\ 714 \\ 91 \end{array} \right. \\ \hline 18545, \text{ the sum required.} \end{array}$$

Then, beginning at the place of units, say, 1 and 4 is 5, and 2 is 7, and 2 is 9, and 6 is 15; set down 5 (the excess above ten) underneath its own place of units, and carry one to the next row, saying, 1 and 9 is 10, and 1 is 11, and 1 is 12, and 3 is 15, and 9 is 24; set down 4 underneath its own place of tens, and carry two to the next rank, saying, 2 and 7 is 9, and 8 is 17, and 4 is 21, and 4 is 25; set down 5 underneath, and carry 2 to the last row, saying, 2 and 9 is 11, and 7 is 18; which set down as before, and you will have the whole sum required, viz. 18545, as above.

Or let it be required to find the sum of 9974 + 64832 + 4796 + 32 + 974 + 4. These being placed as above directed, will stand as in the margin. Then beginning, as before, at the place of units, say 4 and 4 is 8, and 2 is 10, and 6 is 16, and 2 is 18, and 4 is 22; set down 2, and carry 2 to the place of tens, saying 2 and 7 is 9, and 3 is 12, and 9 is 21, and 3 is 24, and 7 is 31; set down 1, and carry 3 to the next rank, saying 3 and 9 is 12, and 7 is 19, and 8 is 27, and 9 is 36; set down 6, and carry 3 to the next row, saying 3 and 4 is 7, and 4 is 11, and 9 is 20; set down 0, and carry 2 to the last row; and say 2 and 6 is 8, which set down as before, and the work is finished. When it appears, that 80612 = 9974 + 64832 + 4796 + 32 + 974 + 4.

The demonstration of the rule of addition is very easy to be conceived, and depends intirely upon the notation in use, and the 19th axiom of Euclid's first book, viz. that the whole is equal to all its parts taken together.

That is, the numbers which are proposed to be added together, represent the several parts, and their sum or aggregate the whole.

And hence is deduced the method of proving the truth of any operation in addition, viz. by dividing, or separating, the given numbers into two or more parcels, and then adding up each parcel by itself; for if those particular sums, added into one total aggregate, prove equal, or the same, with the total sum first found, the work is right; but, if not, care must be taken to find out and correct the error.

ADDITION of numbers of different denominations, is performed in the following manner: place all the numbers of the same denomination underneath each other. Thus, if several sums of money, consisting of pounds, shillings, and pence, were to be added together, you must place pounds under pounds, shillings under shillings, and pence under pence. Understand the same of weights, measures, &c. Then,

Always begin with those figures of the lowest or least denomination, and add them together into one sum; then consider how many of the next superior denomination are contained in that sum, and so many units you must carry to the next superior denomination, to be added together with those figures which stand there; and if any thing remains over and above those units so carried, that excess must be set down underneath its own denomination: in this manner you must proceed from one denomination to another, until the whole be finished.

Thus, for example, let it be required to add 27l. 18s. 4d. 96l. 14s. 6d. 7l. 8s. 10d. 107l. 18s. 2d. and 3l. 8s. 9d. into one sum.

These several sums, being placed as above directed, will stand as in the margin. Then begin with the pence, being here 10 together, the sum will be 31d. or 2s. and 7d. set down the 7d. underneath its own denomination, and carry 2 to the place of shillings, adding them and all the shillings together, and their sum will be 68s. or 3l. 8s. set down the 8s. carrying the 3l. to the first rank of pounds, and finish the work in all respects as before, in addition of whole numbers.

ADDITION of vulgar fractions. See FRACTIONS vulgar.

ADDITION of decimals is performed in all respects like addition of whole numbers, care being taken to place every figure underneath those of the same value, whether they be mixed numbers, or pure decimals; and in order to this, a due regard must be had to the commas, or separating points, which must always be placed in a direct line under each other.

Thus, for example, let it be required to find the sum of the following numbers, viz. 27,4 + 86,01 + 2,004 + 29,6 + 40,3. These being placed according to the foregoing directions, will stand in the following order:

$$\begin{array}{r} 27,4 \\ 86,01 \\ 2,004 \\ 29,6 \\ 40,3 \\ \hline \text{The sum required } 185,314 \end{array}$$

ADDRESS, is said most commonly in commerce, especially amongst the French, of what is written and affixed on bales of merchandize, casks, and other package, which are sent off to distant parts by waggons and other carriages. Those *addressees* ought to contain nearly the same particulars as the superscriptions of letters, or other circumstances peculiar to them may be added.

Addres is also a term which has several other significations among the French in commerce. It is said: *My addres is at Lyons to the house of —*, meaning that it is there I would have such goods sent me. *I accepted a bill of exchange payable to the addres of Mr. Nicholas*; which points out the place for the payment of that bill, or directs the inquiry the bearer may be obliged to make, in case of its not being accepted or paid. *This bill of exchange is to the addres of the Sieur Simon*, signifying that it is drawn upon him.

ADEN, in *Arabia*, formerly enjoyed all the advantages in trade, that *Mocha* now does, by a transfer from the other; and is the only port the grand seignior has upon the ocean; its situation near the mouth of the Red Sea renders it a harbour common to both, which still attracts a considerable trade from the Arabs, Persians, and Indians, as it some time ago did from the Dutch, till their own plantations of coffee proved almost sufficient to supply their demands, and consequently slackened their intercourse with other nations for it.

ADENOS, otherwise called *marine cotton*. It comes from Aleppo, by the way of Marfeilles.

ADEPTS, a name given to those who busied themselves in the art of transforming metals into gold, and the search of an universal remedy. One must, according to Paracelsus, expect the discovery of both immediately from heaven; it cannot, he says, pass from one man to another: but Paracelsus indulged perhaps too much some enthusiastic raptures when he thus made the eulogium of this order of philosophy, which he was extremely fond of; for, in his lucid intervals, he allowed that it might be learned from those that possessed it.

ADIT of a mine, a burrow or aperture cut in the side of the hill, in order to convey the ores, &c. from the mine, without the trouble of erasing them up to the mouth of the pit. *Adits* are generally cut twice as high as wide, that the workmen may commodiously pass along with their barrows and burdens.

ADJUSTMENT, of a loss made and promised, on a policy by an insurer, obliges him. An action was brought by Hog against Gouldney, sitting after Trinity term, 1745, at Guildhall, on a policy of insurance, which the latter wrote so long ago as in November, 1743, on the ship George and Henry, captain Bower, at and from Jamaica to London, *Interest or no interest, free of average, and without benefit of salvage to the insurers*, with a warranty annexed to the policy, viz. *Warranted the said ship to sail from Jamaica, with the fleet that came out under convoy of the Ludlow-castle man of war.*

The said ship did sail accordingly with the fleet, under the aforesaid convoy: but in a great storm that happened some time after their sailing, wherein many ships were lost, the George and Henry received so much damage, as obliged her to bear away for Charles Town in South Carolina, where she put in, and upon examination, was found quite unfit to put to sea again; whereupon her cargo was taken out, and loaded aboard other ships for London, and she condemned and broke up.

In consequence of which, the plaintiff demanded his insurance, and all the under-writers being satisfied of the truth of the afore-mentioned facts, paid their loss, except the defendant, who went so far as to settle it, and according to custom, under-wrote the policy, in the following words and figures. *Adjusted the loss on this policy, at ninety-eight pounds per cent. which I do agree to pay one month after date*, London, 5 July, 1745.

Henry Gouldney.

When this note became due, he thought himself no way bound by it, but insisted on fuller proof; particularly of the ship's sailing under convoy, as warranted, and of her condemnation at Carolina; but it having been always the custom, that after such adjustments as above, with promise of payment at a certain day, are made between the insured and insurer, no farther evidence is ever required, but the loss constantly paid; and it was upon that account that, *the jury found a verdict for the plaintiff*; and the lord chief justice, considering it as a note of hand, declared that the plaintiff had no occasion to enter into the proof of the loss.

ADMEASUREMENT. By 6 Geo. I. c. 21. sect. 33. the tonnage of ships inwards is to be measured and ascertained by the following rule, viz. Take the length of the keel within board (so much as she treads on the ground) and the breadth within board by the midship beam, from plank to plank, and half the breadth for the depth; then multiply the length by the breadth, and that product by the depth, and divide the whole by 94, the quotient will give the true contents of the tonnage.

ADMINISTRATION. The Spaniards in Peru so call the staple magazine, or warehouse, established at Callao, a small town on the South-sea, which is the port of Lima, the capital of that part of South America, and particularly of Peru. The foreign ships which obtain leave to trade along that coast, are obliged to unload at the *administration*, or staple magazine of all the European merchandizes they carry thither, paying thirteen per cent. of the price they sell for, if the cargo be intire, and even sixteen per cent. if it be not. Besides which, they pay three per 1000 duty for consulsip, and some other small royal rights and claims.

ADMIRAL, a great officer, who has the command of the navy, and the hearing of all maritime causes. The term is also used for the commander in chief of a single fleet or squadron. It is also applied to all flag officers in general.

Vice ADMIRAL, is the commander of the second squadron in the royal navy, and carries his flag at the fore-topmast-head. A *vice admiral* is also an officer appointed by the lord high admiral, in divers parts of the kingdom, with judges and marshals under him, for exercising jurisdiction within his respective limits; there are upwards of twenty *vice admirals* in Great Britain. Their decree is not final, there lying an appeal to the court of admiralty in London.

Rear ADMIRAL, is the commander of the third squadron, and carries his flag at the mizzen-topmast-head.

ADMIRALTY. As the kingdom of Great Britain is on all sides surrounded by the sea, there will ever be a necessity of maritime forces to protect and defend it; our wooden walls are our bulwarks and redoubts, to which we owe our safety, and the protection of that advantageous commerce we carry on.

And for transacting marine affairs, the lord high admiral hath courts of his own, of which that at London is principal and chief, where all process and proceedings run in his name, and not in the king's, as they do in all courts of common law. The first title of admiral of England, expressly conferred upon a subject, was given by patent of king Richard II. to the earl of Arundel and Surry; and it appears, that anciently he had jurisdiction of all causes of merchants and mariners, happening not only upon the main sea, but in all foreign parts, within the king's dominions, and without, and was to judge them in a summary way, according to the laws of Oleron, and others. 4 *Inst.* 75.

In the reign of Edward III. the court of admiralty was established; and Richard II. limited its jurisdiction. Of late times this high office has been generally executed by commissioners, who by statute are empowered to use and execute the like authorities, as lord admiral. 2 *IV.* and *M. c.* 2.

The admiralty hath cognizance of the death, or maiming a man, committed in any ship riding in great rivers, beneath the bridges thereof near the sea. 15 *Ric.* II. c. 3. sect. 2.

But if a man be killed on any arm of the sea, where the land is seen on both sides, the coroner is by common law to enquire of it, and not the admiral, for the county may take cognizance of it; and where a county may enquire, the lord high admiral has no jurisdiction. 3 *Rep.* 107.

All ports and havens are *infra corpus comitatus*, where the admiral hath no jurisdiction, and between high and low water mark, he and the common law have it by turns, one upon the water, and the other upon the land. 3 *Inst.* 113.

The admiral hath power to arrest ships for the service of the king or commonwealth; and every commander, officer, or soldier of ships of war, shall observe the admirals commands, &c. on pain of death, or other punishment. 13 *Car.* 2. c. 9.

The lord admiral has power to grant commissions to inferior admirals, &c. to call court martials for the trial of offences against the articles of war; and these courts determine by plurality of voices, &c. 13 *Car.* II. c. 9.

An admiralty process is made out in the admiral's name, who has under him a judge, commonly some learned civilian, and though the proceedings are according

ing to the civil law, and the maritime laws of *Rhodes* and *Oleron* (the sea being without the common law) yet by stat. 28 Hen. VIII. murder, robbery, &c. at sea, may be tried by special commission to the lord admiral, &c. according to the laws of England. See 11 and 12 W. III. c. 7.

The *admiralty* is said to be no court of record, on account of its proceeding by the civil law. 4 *Inft.* 133.

But the *admiralty* has jurisdiction when the common law can give no remedy; and all maritime causes, or causes arising wholly upon the sea, it hath cognizance of. 6 *Rep.*

The *admiralty* hath jurisdiction in cases of *freight*, *mariners wages*, breach of *charter parties*, though made within the realm; if the penalty be not demanded; and likewise in case of building, mending, saving, and victualling ships, &c. so as the suit be against the ship, and not only against the parties. 2 *Cro.* 216.

Mariners wages are contracted on the credit of the ship, and they may all join suits in the *admiralty*, whereas in common law they must all swear; and on the contrary, the master of a ship contracts on the owner's credit, and not the ship's, and therefore he cannot prosecute in the *admiralty* for his wages. 1 *Salk.* 33.

It is allowed by the common lawyers and civilians, that the lord admiral has cognizance of seamen's wages, and contracts, and debts for making ships; also of things done in navigable rivers, concerning damages to persons, ships, goods, annoyances of free passage, &c. of contracts, and other things done beyond sea, relating to navigation, and marine trade. *Wood Inst.* 818.

But if a contract be made beyond sea, for doing of an act, or payment of money within this kingdom, or the contract is upon the sea, and not for a marine cause, it shall be tried by jury; for where part belongs to the common law, and part to the admiral, the common shall be preferred; and contracts made beyond sea, may be tried in B. R. and a fact be laid to be done in any place in England, and so tried here. 2 *Bullst.* 322.

Where a contract is made in England, and there is a conversion beyond sea, the party may sue in the *Admiralty*, or at common law. 4 *Leon.* 257.

So where a bond is made and delivered in France: an obligation made at sea, it has been held, cannot be sued in the admiral's court, because it takes its course, and binds according to the common law. *Hob.* 11.

The court of *admiralty* cannot hold plea of a matter arising from a contract made upon the land, though the contract was concerning things belonging to the ship; but the *admiralty* may hold plea for the seamen's wages, &c. because they become due for labour done on the sea; and the contract made upon land is only to ascertain them. 3 *Leu.* 60.

Though where there is a special agreement in writing, by which seamen are to receive their wages in any other manner than usual; or if the agreement at land be under seal, so as to be more than a parole contract, it is otherwise. 1 *Salk.* 31. See *Hob.* 79.

If goods delivered on ship-board are embezzled, all the mariners ought to contribute to the satisfaction of the party who is the sufferer, by the maritime law, and the cause is to be tried in the *admiralty*. 1 *Litt.* 368.

By the custom of the *admiralty*, goods may be attached in the hands of a third person, *in causa maritima & civili*, and they shall be delivered to the plaintiff after defaults, on caution to restore them, if the debt, &c. be disproved in a year and a day; and if the party refuse to deliver them, he may be imprisoned *quousque*, &c. *March Rep.* 204.

The court of *admiralty* may cause a party to enter into bond, in nature of *caution* or *stipulation*, like bail at common law; and if he render his body, the sureties are discharged; and execution shall be of the goods or the body, &c. not of the lands. *Gadh.* 260. 1 *Steph. Abr.* 129. See 1 *Salk.* 33.

Some sailors cloaths were bought in the parish of St. Catherine, near the Tower, London, and were delivered in the ship; on a suit in the *admiralty* for the money, prohibition was granted; for this was within the county: the fame of a ship at Blackwall, &c. *Owen* 122. *Hughes Abr.* 113.

But the *admiralty* may proceed against a ship, and the sails, and tackle, when they are on shore, although alledged to be detained on land; yet upon alledging offer of a plea, claiming property therein, and refusal of the plea, on this suggestion a prohibition shall be had. 1 *Shoiv.* 179.

The *admiralty*-court may award execution upon land, though not hold plea on any thing arising on land. 4 *Inft.* 141.

And upon letters missive or request, the *admiralty* here may award execution, on a judgment beyond sea, where an Englishman flies, or comes over hither, by imprisonment of the party, who shall not be delivered by the common law. 1 *Roll. Abr.* 530.

When sentence is given in a foreign *admiralty*, the party may libel for execution of that sentence here; because all courts of *admiralty* in Europe are governed by the civil law. *Sid.* 418.

Sentences of any *admiralty* in another kingdom are to be credited, that ours may be credited there, and shall not be examined at law here; but the king may be petitioned, who may cause the complaint to be examined; and if he finds just cause, may send to his ambassador, where the sentence was given, to demand redress, and upon failure thereof, will grant letters of marque and reprisal. *Raym.* 473.

If one be sued in the *admiralty*, contrary to the statute 13 and 15 R. II. he may have a superedeas, to cause the judge to stay the proceedings, and also have action against the party suing. 10 *Rep.* 75.

A ship being privately arrested by *admiralty* process only, and no suit, it was adjudged a prosecution within the meaning of the statutes, and double damages, &c. shall be recovered. 1 *Salk.* 31, 32.

And if an erroneous judgment is given in the *admiralty*, appeal may be had to delegates appointed by commission out of Chancery, whose sentence shall be final.

The lord high admiral of Great Britain doth, by virtue of his place, appoint in divers parts of the kingdom, his several substitutes, or vice-admirals, with their judges and marshals, by patent under the great seal of the high court of *admiralty*, which vice-admirals and judges do exercise jurisdiction in maritime affairs, within their several limits; and in case any person be aggrieved by any sentence or interlocutory decree that has the force of a definitive sentence, he may appeal to the high court of *admiralty*. Stat. 8 *Eliz.* c. 5.

Besides the above-mentioned vice-admirals, &c. the lord high admiral hath under him many officers differing in degrees and qualities, as some are of a military, and others of a civil capacity, some judicial and others ministerial; so that the marine jurisdiction may justly be deemed a separate commonwealth or kingdom, and the lord high admiral be reputed as a viceroy of it.

There is under this court, a court of *equity* for determining differences between merchants; and in criminal affairs, which is commonly about piracy, the proceeding in this court was formerly by accusation and information, according to the civil law, by a man's own confession, or eye-witnesses, by which any one was to be proved guilty before he could be condemned; but that being found inconvenient, there were two statutes made by Henry VIII. that criminal affairs should be tried by witnesses and a jury; and this by a special commission of the king to the lord admiral, wherein some of the judges of the realm are even commissioners, and the trial, according to the laws of England, directed according to those statutes.

There seems to be a *divisum imperium* between the common law of England and the *admiralty*, for so far as low-water mark is observed in the sea, is counted *Infra Corpus Comitatus adjacentis*, and the causes thence arising are determinable by the common law; yet when the sea is full, the admiral hath jurisdiction here also (so long as the sea flows) over matters done between the low-water mark and the land, as appears in Sir Henry Constable's case. 5 *Rep. Coke*, p. 107.

The management of the navy royal under the lord high admiral is committed to the care of the principal officers and commissioners of it; and as all the laws for regulating and ordering his majesty's navies and forces by

by sea, were in the 22 Geo. II. collected and formed into one body, the reader for his information has here an abstract of so excellent a *code*.

The preamble sets forth, that the several sea laws having been found not to be so full, clear, expedient, or consistent with each other, as they ought to be, therefore to amend and explain the same, and to reduce them into one uniform act, *It is enacted*, that from and after the 25th of December, 1749, the articles and orders following, as well in time of peace as in war, shall be observed and put in execution in manner herein after mentioned. 22 Geo. II. p. 689.

1. All commanders, captains, &c. of his majesty's ships of war, shall cause the public worship of Almighty God, according to the liturgy of the church of England, to be reverently performed in their respective ships, and shall take care that prayers and preaching be performed diligently; and that the lord's day be observed, according to law.

2. All flag-officers, and persons belonging to his majesty's ships of war, being guilty of prophane oaths, cursings, execrations, drunkenness, uncleanness, or other scandalous actions, in derogation of God's honour, and corruption of good manners, shall incur such punishment as a court-martial shall think fit to impose, &c.

3. If any officer, or other person of the fleet, shall give, or entertain, intelligence, to, or with any enemy, or rebel, without leave from the king or lord high admiral, &c. and be thereof convicted by a court-martial, he shall be punished with death.

4. If any letter or message from any enemy or rebel, be conveyed to any officer, or any other person in the fleet, and such person shall not, within twelve hours (having opportunity) acquaint his superior officer with it; or if any superior officer, being acquainted therewith, shall not in convenient time reveal the same to the commander in chief, every person so offending shall suffer death, &c. p. 690.

5. All spies, who shall bring or deliver, any seducing letters or messages, from any enemy or rebel; or endeavour to corrupt any person in the fleet, they shall suffer death.

6. No person in the fleet shall relieve an enemy or rebel, with money, victuals, powder, shot, arms, ammunition, or any other supplies, directly, or indirectly, upon pain of death, &c.

7. All writings whatsoever, that shall be taken, or found on board ships which shall be taken as prize, shall be preserved, and the originals shall, by the commanding officer of the ship which shall take such prize, be sent entirely and without fraud to the court of Admiralty, or such other court, or commissioners, as shall be authorized to determine whether such prize be lawful capture, there to be viewed, made use of, and proceeded upon, according to law, upon pain of forfeiting his share of the capture, &c.

8. No person in, or belonging to the fleet, shall take out of any prize, any money, plate, or goods, unless it shall be necessary for the better securing thereof, or for the necessary use or service of any of his majesty's ships of war, before the same be adjudged lawful prize; but the entire account of the whole, without embezzlement, shall be brought in, and judgment passed upon the whole, without fraud, upon pain that every person offending shall forfeit his share of the capture, &c.

9. If any vessel shall be taken as prize, none of the officers or persons on board her, shall be stripped of their clothes, or pillaged, beaten, or evil-intreated, upon pain, that the offender shall be punished as a court-martial shall sentence.

10. Every flag-officer, captain, and commander in the fleet, who upon signal or order of fight, or sight of any ship or ships, which it may be his duty to engage, or who upon likelihood of engagement, shall not make the necessary preparations for fight, and shall not in his own person, and according to his place, encourage the inferior officers and men to fight courageously, shall suffer death, or other punishments, &c. and if any person in the fleet shall treacherously or cowardly yield, or cry for quarter, on being convicted, shall suffer death.

11. Every person in the fleet, who shall not duly ob-

serve the orders of the admiral, flag-officer, commander of any squadron or division, or other his superior officer, for assailing, joining battle with, or making defence against any fleet, squadron, or ship, or shall not obey the orders of his superior officer, in time of action, to the best of his power, or shall not use all possible endeavours to put the same effectually in execution, being convicted thereof, shall suffer death, &c.

12. Every person in the fleet, who through cowardice, negligence, or disaffection, shall, in time of action, withdraw or keep back, or not come into the engagement, or shall not do his utmost to take or destroy every ship which it shall be his duty to engage, and to assist and relieve all and every of his majesty's ships, or those of his allies, which it shall be his duty to assist and relieve, being convicted thereof, shall suffer death.

13. Every person in the fleet, who through cowardice, negligence, or disaffection, shall forbear to pursue the chase of any enemy, pirate, or rebel, beaten or flying; or shall not relieve and assist a known friend in view, to the utmost of his power, being convicted, shall suffer death.

14. If any action, or any service shall be commanded, and any person in the fleet shall presume to delay or discourage the same, upon pretence of arrears of wages, or any pretence whatsoever, and shall be convicted thereof, he shall suffer death.

15. Every person in, or belonging to the fleet, who shall desert to the enemy, pirate, or rebel, or run away with any of his majesty's ships, or any ordnance, ammunition, stores, or provision belonging thereto, to the weakening of the service, or yield up the same cowardly or treacherously, being convicted, shall suffer death.

16. Every person in, or belonging to the fleet, who shall desert, or entice others so to do, shall suffer death, or such other punishment, as the circumstances of the offence shall deserve, and a court-martial shall think fit; and if any commanding officer of any of his majesty's ships of war, shall receive or entertain a deserter from any other of his majesty's ships, after discovering him to be such, and shall not with all convenient speed give notice to the captain of the ship, to which such deserter belongs, or if the said ships are at any considerable distance from each other, to the secretary of the Admiralty, or to the commander in chief, every person so offending, and being convicted, &c. shall be cashiered.

17. The officers and seamen of all ships appointed for convoy of merchant ships, or of any other, shall diligently attend upon that charge without delay, according to their instructions; and whosoever shall be faulty therein, and shall not perform their duty, and defend the ships and goods in their convoy, without either diverting to other ports, or occasions, or refusing, or neglecting to fight in their defence, if they be assailed, or running away cowardly, and submitting the convoy to peril or hazard, or shall demand or exact any money or other reward from any merchant or master, for convoying of any vessels entrusted to their care, or shall misuse the master or mariners thereof, shall be condemned to make reparation of the damage to the merchants, owners, or others, as the court of Admiralty shall adjudge, and also be punished according to the quality of their offences, by death, or other punishment, according as shall be adjudged by the court-martial.

18. If any captain, or other officer of any of his majesty's ships, shall receive on board, or permit to be received on board such ship, any goods or merchandizes, other than for the sole use of the ship, except gold, silver, or jewels, and except the goods and merchandizes belonging to any vessel which may be shipwrecked, or in imminent danger of being shipwrecked, either on the high seas, or in any port, creek, or harbour, in order to the preserving them for their proper owners, and except such goods or merchandizes as he shall be ordered to be received on board by order of the lord high admiral of Great-Britain, or the commissioners for executing the said office, and be convicted thereof, &c. he shall be cashiered, and be for ever afterwards rendered incapable to serve in any place or office in the naval service of his majesty, &c. p. 694.

19. If any person in, or belonging to the fleet, shall make, or endeavour to make any mutinous assembly, upon any pretence whatsoever, and be convicted thereof, &c. he shall suffer death: and if any person shall utter any words of sedition or mutiny, he shall suffer death, or such other punishment as a court-martial shall deem him to deserve: and if any officer, mariner, or soldier, shall behave himself with contempt to his superior officer, such superior officer being in the execution of his office, he shall be punished according to the nature of his offence, by the judgment of a court-martial.

20. If any person in the fleet shall conceal any traitorous, or mutinous practice or design, being convicted thereof, &c. he shall suffer death; and if any person shall conceal any traitorous or mutinous words, spoken by any, to the prejudice of his majesty or government, or any words, practices, or designs, tending to the hindrance of the service, and shall not forthwith reveal the same to the commanding officer, or being present at any mutiny or sedition, shall not use his utmost endeavours to suppress the same, he shall be punished as a court-martial thinks he deserves.

21. If any person in the fleet shall find cause of complaint, of the unwholeness of the victuals, or other just ground, he shall quietly make the same known to his superior, or captain, or commander in chief, as the occasion may deserve, that such present remedy may be had as the matter may require; and the said superior, &c. shall, as far as he is able, cause the same to be presently remedied; and no person upon such, or any other pretence, shall attempt to stir up any disturbance, upon pain of such punishment as a court-martial shall think fit to inflict, &c. p. 695.

22. If any officer, or other person in the fleet, shall strike any of his superior officers, or draw, or offer to draw, or lift up any weapon against him, being in the execution of his office, on any pretence whatsoever, and be convicted thereof, &c. he shall suffer death; and if any person shall presume to quarrel with any of his superior officers, being in the execution of his office, or shall disobey any lawful command of any of his superior officers, and be convicted thereof, &c. he shall suffer death, &c.

23. If any person in the fleet shall quarrel, or fight with any other person in the fleet, or use reproachful or provoking speeches, or gestures, tending to make any quarrel or disturbance, he shall upon being convicted, suffer such punishment as the offence shall deserve, and a court-martial shall impose.

24. There shall be no wasteful expence of any powder, shot, ammunition, or other stores in the fleet, nor any embezzlement thereof; but the stores and provisions shall be carefully preserved, upon pain of such punishment to the offenders, abettors, buyers, and receivers (being persons subject to naval discipline) as shall be by a court-martial found just.

25. Every person in the fleet, who shall unlawfully burn, or set fire to any magazine, or store of powder, or ship, boat, ketch, hoy, or vessel, or tackle, or furniture thereunto belonging, not then appertaining to an enemy, pirate, or rebel, being convicted of any such offence, by the sentence of a court-martial, shall suffer death.

26. Care shall be taken in conducting and steering of any of his majesty's ships, that through wilfulness, negligence, or other defaults, no ship be stranded, or run upon any rocks, or sands, or split, or hazarded, upon pain, that such as shall be found guilty therein, be punished by death, &c. p. 696.

27. No person in, or belonging to the fleet, shall sleep upon his watch, negligently perform the duty imposed on him, or forsake his station, upon pain of death, &c.

28. All murders committed by any person in the fleet, shall be punished with death, &c.

29. If any person in the fleet shall commit the unnatural and detestable sin of buggery or sodomy, with man or beast, he shall be punished with death, &c.

30. All robbery committed by any person in the fleet, shall be punished with death, &c.

31. Every officer, or other person in the fleet, who shall knowingly make, or sign a false muster, or false muster-

book, or who shall command, counsel, or procure the making or signing thereof, shall, upon proof of any such offence, &c. be cashiered, and rendered incapable of farther employment in his majesty's naval service.

32. No provost-martial belonging to the fleet shall refuse to apprehend any criminal, whom he shall be authorized, by legal warrant, to apprehend, or to receive, or keep any prisoner committed to his charge, or willfully suffer him to escape, being once in his custody, or dismiss him without lawful order, upon pain of such punishment as a court-martial shall deem him to deserve; and all officers, and others in the fleet, shall do their endeavour to detect, apprehend, and bring to punishment all offenders, and shall assist the officers appointed for that purpose therein, upon pain of being proceeded against, and punished by a court-martial, &c. p. 697.

33. If any flag-officer, captain, or commander, or lieutenant belonging to the fleet, shall be convicted before a court-martial, of behaving in a scandalous, infamous, cruel, oppressive, or fraudulent manner, unbecoming the character of an officer, he shall be dismissed from his majesty's service.

34. Every person being in actual service, and full pay, and part of the crew belonging to any of his majesty's ships of war, who shall be guilty of mutiny, desertion, or disobedience, to any lawful command, in any part of his majesty's dominions on shore, when in actual service relative to the fleet, shall be liable to be tried by a court-martial, and suffer the like punishment for every such offence, as if the same had been committed at sea.

35. If any person who shall be in actual service, and full pay in his majesty's ships of war, shall commit upon the shore, in any place out of his majesty's dominions, any of the crimes punishable by these articles and orders, he shall be liable to be tried and punished for the same, in like manner, as if the said crimes had been committed at sea.

36. All other crimes, not capital, committed by any person in the fleet, which are not mentioned in this act, or for which no punishment is hereby directed to be inflicted, shall be punished according to the laws and customs in such cases used at sea.

No person convicted of any offence shall, by the sentence of any court-martial be adjudged to be imprisoned for a longer term than two years. P. 698.

No court-martial shall proceed to the punishment, or trial of any offence (except the officers specified in the 5th, 34th, and 35th of the foregoing articles and orders) which shall not be committed upon the main sea, or in great rivers only, beneath the bridges of the said rivers nigh to the sea, or in any haven, river, or creek, within the jurisdiction of the admiralty, and which shall not be committed by such persons, as at the time of the offence, shall be in actual service, and full pay in the fleet, such persons only excepted, and for such offences only, as are described in the 5th of the foregoing articles and orders.

No court-martial, constituted by virtue of this act, shall proceed to the punishment or trial of any land-officer or soldier, on board any transport ship, for any offence specified in the said articles.

From and after the 25th of December, 1749, the lord high admiral of Great-Britain, or the commissioners for executing the said office, are empowered to grant commissions to the commander in chief of any fleet or squadron of ships of war, to call and assemble courts-martial, consisting of commanders and captains; and if such commander in chief shall die, be recalled, or removed from his command, then the officer upon whom the said command shall from time to time devolve, shall have the same power to call and assemble courts-martial, as the first commander in chief was invested with. P. 699.

No commander in chief of any fleet, or squadron of his majesty's ships, or detachment thereof, consisting of more than five ships, shall preside at any court-martial in foreign parts; but the officer next in command shall hold such court-martial, and preside thereat.

From and after the 25th of December, 1749, if any commander in chief in foreign parts, shall detach any part of his fleet or squadron, he shall by writing under his hand, empower the chief commander of the squadron or detach-

detachment, ordered on such separate service (and in case of his death or removal, the officer to whom the command shall belong) to hold courts-martial during the time of such separate service, or until he shall return to his commander in chief, or shall come under the command of any other his superior officer, or return to Great-Britain or Ireland.

Where any material objection occurs, which may render it improper for the person, next in command to the senior officer, or commander in chief of any fleet or squadron, in foreign parts, to hold courts-martial, or preside thereat, the lord high admiral, or the commissioners for executing the said office, as also the commander in chief of such fleet or squadron, may appoint the third officer in command to preside at, or hold such court-martial. P. 700.

From and after the 25th of December, 1749, the lord high admiral, or the commissioners for executing the said office, are empowered to direct any flag-officer, or captain of any of his majesty's ships of war, who shall be in any port of Great-Britain or Ireland, to hold courts-martial in such port (provided such officer be the first, second, or third in command, in such port) as shall be found most expedient, and for the good of the service; and such flag-officer or captain shall preside thereat.

From and after the 25th of December, 1749, no court-martial shall consist of more than thirteen, or of less than five persons, to be composed of such flag-officers, captains, or commanders, then, and there present, as are next in seniority to the officer who presides at the court-martial.

The lord high admiral, or the commissioners for executing the said office, or any officer empowered to order or hold courts-martial, shall not direct or ascertain the particular number of persons of which any court-martial shall consist.

If any court-martial shall be appointed to be held at any place, where there are not less than three, nor yet so many as five officers, of the degree of a post-captain, or of a superior rank, to be found, the officer who is to preside, shall call to his assistance as many of the commanders of his majesty's vessels under that rank, as, together with the post-captains, will make up the number of five to hold such court-martial. P. 701.

From and after the 25th of December, 1749, no member of a court-martial, after trial is begun, shall go on shore till sentence be given, but remain on board the ship in which the court shall first assemble, except in case of sickness, to be judged of by the court, upon pain of being cashiered; nor shall the proceedings of the court be delayed by the absence of any members, provided a sufficient number remain, to compose the court, which shall be from day to day (Sunday always excepted) until sentence be given.

From and after the said 25th of December, all the officers present, who are to constitute a court-martial for the trial of offenders, shall, before they proceed to trial, take an oath before the court, to be administered by the judge-advocate or his deputy, in the words following, viz.

"I A. B. do swear, that I will duly administer justice, according to the articles and orders, established by an act passed in the twenty-second year of the reign of his majesty king George the Second, for amending, explaining, and reducing into one act of parliament, the laws relating to the government of his majesty's ships, vessels, and forces by sea, without partiality, favour, or affection; and if any case shall arise, which is not particularly mentioned in the said articles and orders, I will duly administer justice according to my conscience, the best of my understanding, and the custom of the navy in the like cases; and I do further swear, that I will not upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of this court-martial, unless thereunto required by act of parliament.

So help me God."

And so soon as the said oath shall have been administered to the respective members, the president of the court shall administer to the judge-advocate, or the person officiating as such, an oath in the following words:

"I A. B. do swear, that I will not upon any account, at any time whatsoever, disclose, or discover the vote or opinion of any particular member of this court-martial, unless thereunto required by act of parliament.
So help me God." P. 702.

If any person in the fleet being called upon to give evidence at any court-martial, shall refuse to give evidence upon oath, or shall prevaricate, or behave with contempt to the court, such court-martial is empowered to commit the offender, for any time not exceeding three months, in case of such refusal or prevarication, nor longer than one month in case of such contempt; and every person who shall either commit, or corruptly procure, or suborn any person to commit wilful perjury, shall be prosecuted in the King's-Bench, by indictment or information; and every issue joined thereon, shall be tried by a jury of Middlesex, or such other country as the said court shall direct; and the offender upon conviction, shall suffer the pains and penalties enacted to be inflicted for the like offences by an act of 5 Eliz. and 2 Geo. II, &c.

In every such information or indictment, it shall be sufficient to set forth the offence charged upon the defendant, without setting forth the commission for holding the court-martial, or the particular matter tried or directed to be tried before such court. P. 703.

From and after the 25th of December, 1749, no sentence of death given by any court-martial held within the narrow seas (except in cases of mutiny) shall be executed till after report of the proceedings shall have been made to the lord high admiral, or the commissioners for executing the said office, and his or their directions shall have been given therein; and if the said court shall have been held beyond the narrow seas, then such sentence of death shall not be executed but by order of the commander of the fleet or squadron wherein sentence was passed; and where sentence of death shall be passed in any squadron detached from any other fleet or squadron upon a separate service, then such sentence (except in cases of mutiny) shall not be executed but by order of the commander of the fleet or squadron, from which such detachment shall have been made, or of the lord high admiral, or the commissioners for executing the said office; and where sentence of death shall be passed in any court held by the senior officer of five or more ships, which shall happen to meet in foreign parts, then such sentence (except in cases of mutiny) shall not be executed but by order of the lord high admiral, or commissioners for executing the said office.

The judge-advocate, or his deputy, is to administer an oath to witnesses at any trial by a court-martial; and in the absence of the judge-advocate and his deputy, the court shall appoint any person to execute the said office. P. 704.

From and after the 25th of December, 1749, all the powers given by the several articles and orders established by this act, shall be in force with respect to the crews of such of his majesty's ships as shall be wrecked or be otherwise lost or destroyed; and all the command and authority given to the officers, shall be in force as effectually as if such ships to which they did belong, were not so wrecked or destroyed, until they shall be discharged from his majesty's further service, or removed into some other ship of war, or until a court-martial be held to enquire into the causes of the loss of the said ship; and if it shall appear by the sentence of the court, that the said officers or seamen did their utmost to preserve or recover the said ship, and since the loss thereof have behaved obediently to their superior officers, according to the discipline of the navy and the articles aforesaid, then all the pay and wages of the said officers and seamen, or of such of them as shall have done their duty, shall be paid to the time of their discharge or death, or if they shall be then alive, to the time of the holding of such court-martial, or their removal into some other of his majesty's ships; and every person who, after the wreck or loss of his ship, shall act contrary to the discipline of the navy, and the articles and orders aforesaid, shall be sentenced by the said court-martial, and punished, as if the ship, to which he did belong, was not so wrecked or destroyed.

From

From and after the said 25th of December, all the pay and wages of such officers and seamen of any of his majesty's ships as are taken by the enemy, and upon enquiry at a court-martial, shall appear by the sentence of the said court to have done their utmost to defend the said ship, and since the taking thereof, to have behaved obediently to their superior officers; according to the discipline of the navy, and the articles aforesaid, shall be paid from the time of their being so taken, to the time of the holding of such court-martial, or until they shall be discharged from his majesty's service, or removed into some other ship of war, or (if they shall die in captivity, or before the holding of such court-martial) to the time of their death, in such manner as if the ship to which they did belong respectively, was not so taken. P. 705.

No person, not flying from justice, shall be tried or punished by any court-martial for any offence against this act, unless complaint of such offence be made in writing to the lord high admiral, or to the commissioners for executing the said office, or any commander in chief of his majesty's squadrons or ships, empowered to hold courts-martial; or unless a court-martial to try such offender shall be ordered by the lord high admiral, or the commissioners for executing the said office, or the said commander in chief, either within three years after such offences shall be committed, or within one year after the return of the ship or squadron, to which such offender shall belong, into any of the ports of Great Britain or Ireland, or within one year after the return of such offender into Great Britain or Ireland.

From and after the said 25th of December, if any captain or other officer of the fleet, shall receive, or suffer to be received on board, any goods or merchandizes, contrary to the true intent and meaning of the eighteenth article of this act, he shall for every such offence, over and above any punishment inflicted by this act, forfeit and pay the value of such goods and merchandizes, or the sum of 500 l. at the election of the informers, or persons who shall sue for the same, so that no more than one of these forfeitures shall be sued for and recovered against the same person for one and the same offence; one moiety to the informer, and the other to Greenwich-hospital, &c. p. 706.

This act shall not extend to take away from the lord high admiral, or the commissioners for executing the said office, or any vice-admiral, or judge of the admiralty, or his other deputies, or any officer or minister of the admiralty, or others having or claiming any admiral power or authority within this realm, or any other the king's dominions, or from any person or court whatsoever, any power, right, jurisdiction, pre-eminence, or authority, which any of them lawfully hath, or had, or ought to have and enjoy before the making of this act, so as the same person shall not be punished twice for the same offence, p. 707.

The repeal of the before recited statutes, or any thing herein contained, shall not discharge or prevent any prosecution or suit, which is, or shall be commenced against any person, for any offence committed on or before the said 25th of December, 1749, or to be committed against the said statutes; but all persons who have been, or shall before the 25th of December be, guilty of any such offence, shall and may be prosecuted, condemned, and punished for the same, as well after as before the said 25th of December, as if the said statutes had not been repealed.

Since the above act the following 31 Geo. II. was made for the encouragement of seamen to enter into his majesty's service, during the war, begun in 1756.

The preamble sets forth, that the encouragement of seamen employed in the royal navy, will greatly tend to augment the marine force of this realm; whereon, under the good providence and protection of God, the security of these kingdoms, and the support and preservation of their commerce, do most immediately depend: And that by an act 1. Geo. II. and another of the same session, several provisions and regulations were enacted and prescribed for the benefit and encouragement of seamen employed in the royal navy; and for preventing frauds and abuses in purchasing their wages; which provisions and regulations, from various difficulties in carrying the same into execution, have been

found in a great measure ineffectual to answer the purpose thereby intended. And that the establishing a regular method for the punctual, frequent, and certain payment of the wages, or pay, due to inferior officers and seamen employed in the navy; the enabling such officers and seamen more easily and readily to obtain such payments, and to allot and remit any part thereof, for the support and relief of their wives and families; and the preventing, as far as may be, the unwary, the ignorant, or the necessitous, from being defrauded and injured by the extortion and usury of wicked and evil designing persons, are of the utmost consequence to the public service. Therefore, for effectuating these important and compassionate purposes, it is enacted, that from and after November 1, 1758, every volunteer, who shall enter his name with a commission officer, appointed for entering volunteers in the royal navy, and shall receive from him a certificate thereof (which is to be given him gratis) is entitled to wages from the date thereof, including the day of the date, if he appears on board within fourteen days, if the ship is not above one hundred miles; or thirty days if above two hundred miles; and shall be allowed the usual conduct money, and also two month's wages advance, at the first fitting out the ship, and before the ships proceed to sea.

Every supernumary man serving ten days in any ship, shall be borne for and entitled to his wages upon the books of such ship, and to all other benefits, as if he was part of the complement: but men lent from one ship to another, shall continue to be borne for the ship from which they were lent, 'till discharged.

Every inferior officer or seaman, who shall be turned over from one ship to another (in case the ship into which he is turned over is then, or shall come into, a port of Great Britain, where there is a commissioner of the navy) shall be paid all the wages due to him in the ship from which he was turned over, before the ship into which he was turned over shall proceed to sea, unless directed otherwise by special order from the admiralty, in cases of the greatest exigency only; and if the ship proceed to sea, the wages shall be paid as soon as such ship shall come again into any port of Great Britain, where there is a commissioner.

Every officer or seaman, who shall be turned over, shall not be rated in a lower degree than he served in the former ship; and above his wages, shall receive two month's advance before the ship shall proceed to sea.

As often as any ship, which shall have been in sea pay twelve months, or more, shall arrive in any port of Great Britain, or on the coast thereof, the master shall cause five complete pay-books, to be made out for the time such ships shall have been in pay, except the last six months, and transmit such books, together with three alphabets, and a stop-book to the navy board; and as soon as such ship shall arrive in any port of Great Britain, where there is a commissioner, immediate payment shall be made of the wages due to the officers and seamen, their executors, &c. deducting the advance money, and all defalcation, leaving always six month's wages unpaid, and no more. And all wages due to any ships, shall be paid as soon as may be, or within two months at farthest, after the arrival of such ship in port to be laid up.

If any inferior officer or seaman, who was absent at the payment of his ship, or his captain for him, shall apply to the navy board, in case such ship shall be in any port of Great Britain, where there is a commissioner, the pay-lists shall be sent to such commissioner, who shall forthwith cause the wages to be paid to such person.

The commander shall make out a ticket upon the death of every petty officer or seaman, and shall transmit the same to the navy-board, who are to cause the day of receipt to be endorsed thereon, and shall examine and sign the same for payment within one month after the receipt thereof: and the same shall be delivered, and payment thereon made, without fee or reward, to the executors, administrators, or attorney, or the executors, &c. of such officer or seaman.

When any inferior officer or seaman shall be rendered unserviceable, the commander shall give him a certificate of his discharge, and make out a ticket for his pay (unless the ships shall be in some port of Great Britain,

or on the coast thereof, or shall belong to some squadron from which he is not separated; in which case he is to make a report to the commanders in chief, and receive his orders thereupon) and shall send the ticket to the navy-board; and deliver only to such officer or seaman the certificate of his discharge, containing an exact copy of the ticket, and a description of his person. The commissioners of the navy shall cause the day when such ticket was received, to be endorsed thereon; and, after examination, shall assign the same for payment, within one month at farthest, after making such endorsement. And if any officer or seaman shall present such certificate at the Navy-office, the commissioners are forthwith to examine such certificate, and the person presenting the same; and being satisfied therein, shall testify the same on the certificate; and the ticket shall be immediately delivered him, and paid at the Pay-office to such officer or seaman only, without fee or reward. If the tickets shall not have been transmitted to the Navy-office, the money appearing to be due by the copy, shall be paid as if the certificate had been received. Such officer or seaman, being desirous to receive his wages at any port of Great Britain, where a commissioner resides, may produce his certificate to him; and being satisfied of the truth thereof, shall sign and transmit the same to the navy-board; who within four days after receiving it, are to send the ticket if received, otherwise a copy of the certificate, to the commissioners at such port, who shall cause immediate payment thereof to be made, without fee or reward. And send such officer or seaman to the nearest hospital, where he is to be received and victualled, from the time of presenting such certificate until payment is made.

If such certificate be lost or destroyed, or not presented in person, or the money paid before the general payment of the ship's company, the ticket shall be cancelled, and the wages paid as if no ticket had been made out.

When any inferior officer or seaman shall, by order of the commander, be set ashore, and be sent to any hospital, or sick quarters, such commander shall make out a sick ticket for the wages due to such person, and transmit the same with such officer or seaman to such hospital or sick quarters; and if he shall be regularly discharged from thence as unserviceable, a certificate of his discharge, with the sick ticket annexed, shall be delivered to him; and if he shall present the same to a commissioner at any port of Great Britain, such commissioner being satisfied thereof, shall sign the same on the certificate, and transmit the certificate and sick ticket to the navy-board, who are to cause the day it was received, to be endorsed thereon, and also cause it to be examined by the muster-books, if received; and then within four days, to cause a ticket or pay-list to be made out for such person's wages, and to send the same to the commissioner; who shall cause immediate payment to be made of the wages of such seaman, without fee or reward; who, notwithstanding such discharge, shall be maintained in such hospital or sick quarters, until the payment be made.

The payment of tickets, certificates, or pay-lists, shall not be delayed, though the muster or pay-books, shall not be regularly received at the navy-board; but if any errors shall be made in any certificate, ticket, or pay-list, the loss is to be made good out of the commander's wages.

As often as any ship, which shall not be in a port of Great Britain, or on the coast thereof, shall have twelve month's wages due, the commander shall cause the inferior officers and seamen's names to be called over, and shall do the same whenever twelve month's wages shall be due; and if any of them shall deliver in writing the name and place of abode of his wife, father, or mother, and desire that the whole or any part of such wages then due, except the last six months, should be paid to his said wife, father, or mother, by the receiver general of the land-tax, collector of the customs, collector of the excise, or clerk of the cheque at any dock-yard, the commander is to send a list of such persons to the navy-board, who shall take out two bills for the payment of the wages so allotted by each person, one of

them to be sent to the persons respectively specified in such lists, and the other to the receiver, &c. And if the person, to whom any such bill is sent, shall, within six months of the date hereof, produce the same to such receiver, &c. together with a certificate, properly authenticated of their being the wife, father, or mother, of such officer or seaman respectively, such receiver, &c. upon being satisfied of the truth of such certificate (which he is to enquire into upon the oath of the person producing the same) is immediately, without fee or reward, to pay the sum mentioned in such bill, taking a receipt. Such bill, together with the duplicate thereof, being produced at the Navy-office, shall be immediately assigned for payment by the commissioners of the navy, and repaid by the treasurer to such receiver, &c. or their order: but if payment of the bill be not demanded within six months, the sum contained in such bill, is to be repaid to such inferior officer or seaman, &c.

In like manner where wages shall be paid at the Pay-office or any of the out-ports, any inferior officer or seaman, desirous to remit the whole or any part of his wages to his wife, children, parent, or any other person, may have a bill for the same, as in the last clause.

If any receiver, &c. shall not have in his hands public money sufficient to pay any bill tendered, and shall refuse payment thereof, he is to endorse on the back of the bill the cause of his delay, and appoint for payment some day within two months. And if any receiver, &c. shall unnecessarily refuse payment, or he or any person employed under him, take any gratuity for such payment, any three commissioners of the branch of business he is under, may fine such person in any sum not exceeding fifty pounds; to be levied as any offences against the laws of customs and excise, and to be paid to the informer.

The wages, &c. earned by any indentured apprentice shall be paid to his master, as hath been usual, unless such apprentice was above eighteen years of age, when his indentures were executed, or shall be rated as servant to an officer to whom such apprenticeship is not known; in which case the officer shall be entitled to the pay, according to the practice of the navy.

Commanders of ships are to transmit to the navy-board complete pay-books, and lists and tickets made out, and also once in two months muster-books, not only for the said two months, but from the time the ship shall have been in commission, or was last paid; on failure, the navy-board are not to grant him the general certificate for his wages, unless by particular order from the lords of the admiralty, in cases of necessity, and its being made appear to them, that directions were complied with as far as the nature of service would admit, and as safe opportunities offered: and if such commander shall not exculpate himself within twelve months after his arrival in Great Britain, he shall forfeit all his wages to the chest at Chatham; and be liable to such other punishment, not extending to life and limb, as a court-martial shall inflict.

No letters of attorney made by any inferior officers or seamen, or their executor, &c. shall be valid, unless declared therein revocable, and unless the same be signed before, and attested by the commander, and another of the signing officers, or by a clerk of the cheque; and if made after such person shall be discharged from the service, then to be signed before, and attested by the chief magistrate where such seaman shall reside; or if made by executors, &c. be signed before, and attested by the minister and church-wardens, or in Scotland, by the minister and two elders, of the parish where such executors, &c. reside.

All letters of attorney, other than such as are made and attested aforesaid, are null and void.

No more than 1s. shall be taken by any ecclesiastical court, &c. for the probate of any will or letter of administration granted to the widows, children, parents, brothers, or sisters, of inferior officers, seamen, or mariners, dying in the service, and for attending the same, unless the goods and chattels are of the value of 20l. nor more than 2s. unless of the value of 40l. nor more than 3s. unless of the value of 60l. nor more than 1s. for issuing commissions to swear such widows,

widows, &c. being executors or administrators to inferior officers, &c. unless the goods and chattels are of the value of 20 l. nor more than 2 s. unless of the value of 40 l. nor more than 3 s. unless of the value of 60 l. under penalty of 50 l. to be paid by the offender to the party aggrieved, to be recovered with full costs of suit in any court of record.

Whosoever shall personate or assume the name or character, or procure any other, to personate or falsely assume the name or character of any officer, seaman, or other person, intitled to wages, &c. for service done in the royal navy, or the executor, administrator, wife, relation, or creditor, of any officer, &c. in order to receive any wages, &c. or shall forge or counterfeit, or procure to be forged or counterfeited, any letter of attorney, or other power, in order to receive any wages, &c. or shall willingly or knowingly take a false oath, or procure a false oath to be taken, to obtain the probate of a will, or letters of administration, in order to receive any wages, &c. due, or supposed to be due, shall be guilty of felony, and suffer death.

When the pay-books are closed, tickets shall be made out, on application to the navy-board, to the seamen who shall not have received their wages; and such tickets shall be paid in course, once a month.

British governors, ministers, and consuls, residing at foreign parts, or any two British merchants, are required to provide for seafaring-men and boys, subjects of Great Britain, who shall be in foreign parts by shipwreck, capture, or other unavoidable accidents, or who shall be discharged as unseaworthy from the British navy, and subsidize them at sixpence *per diem* each, and send them home as soon as possible in any British ships.

The bills of their disbursements, with vouchers, are to be sent to the navy-board, who are to cause immediate payment. And every master of a ship is to take so many as the said governors, &c. shall direct, not exceeding four to every hundred tons. Such masters to be allowed sixpence *per diem*, for all such as shall exceed their complement, upon producing a certificate from the governors, &c. of the number taken on board, and making affidavit of the time they were subsidized, and that they did not want of their complement, and for what time.

No volunteer shall be liable to be taken out of his majesty's service, by any process, except some criminal matters, unless for a real debt, and unless the plaintiff, or some other person in his behalf, make affidavit that to his knowledge the sum due to the plaintiff with costs of suit amounts to 20 l. at least, a memorandum of which oath is to be marked on the back of the writ or process, for which no fee shall be taken; and if any person shall be arrested contrary to the intent of this act, any judge of such court may examine into the same on oath, and discharge such seaman without fees, on proof of his belonging to one of the king's ships, and being arrested contrary to the intent of this act, and may award reasonable costs, for recovery whereof he shall have the same remedy as the plaintiff, if he had judgment.

But plaintiffs, upon notice first given in writing to such seaman, or left at his last place of abode, may file a common appearance, so as to entitle them to proceed to judgment and outlawry, and to have an execution thereupon, except against the bodies of such seamen.

Persons employed to receive seamen's wages, prize-money, &c. shall take no more than sixpence in the pound; and if they shall take any more, to forfeit 50 l. with full costs of suit to the prosecutor: and if such person belong to any office in the navy, he shall lose his place, and be incapable of holding any place of profit in any such office.

All persons in offices belonging to the navy, taking fees contrary to this act, are liable to the same penalty.

It must be observed, besides what we have remarked in the beginning of this article, that the jurisdiction of the court of admiralty is sometimes interrupted by a writ, which

in our law is called a *prohibitio*, and may be properly defined to be, "A writ, forbidding to hold plea in any matter or cause, supposed to be without the jurisdiction and cognizance of the court where the suit depends."

But, in all cases where the admiralty have legally an original or concurrent jurisdiction, the courts of common law will be well informed, before they will take cognizance of them. We shall give some of the principal cases relating to the jurisdiction of the admiralty, as to matters cognizable there, or at common law.

If a man be in custody for piracy, if any aids or assists him in his escape, though that matter is an offence at land, yet the admiralty having jurisdiction to punish the principal, may have likewise power to punish such an offender, who is looked on as an accessory to the piracy; but, to rescue a prisoner from an officer of theirs, they may examine the cause, but they cannot proceed criminally against the offender.

If a ship rides at an anchor in the sea, and the master sends his boat on shore for victuals, or other provisions for the ship, and accordingly the shop-feller brings victuals and provisions; in that case, if the contract be made there, it must be sued for in the admiralty: but, if the goods are by the purser or mariners contracted for at land, they must sue at common law.

But a suit in the admiralty for seamen's wages, grown due in the river, though no voyage be made, was not prohibited. Lord Raymond, 1844.

Trials are to be where original contracts were made, which if in England, though the subsequent matter to be done be upon the sea, the trial shall be at common law. But if the contract and what is to be done, all of it, is beyond sea, it cannot be tried at law here, but in the admiralty; but if part be done here, and part beyond sea, so as it is mixed, then it shall be tried at law. As an action upon the case, upon a policy of assurance made at London, that a ship should sail from Melcomb Regis, in the county of Dorset, to Abbeville in France, safely, &c. And the plaintiff declared, that the ship in sailing towards Abbeville, viz. in the river Soam in France, was arrested by the king of France, &c. and the issue was, whether the ship was so arrested or not; the trial was by *nisi prius* in London, and resolved to be well brought; though it was objected, that this issue, arising merely from a place out of the realm, could not be tried at law, for the *assumpsit*, being at London, was the ground and foundation of the action, and therefore shall be tried here, for otherwise it could not be tried at all. Cited in *Dowdale's case*, 6 Rep. 47. 6 Godbolt 76, and 204.

And so if a contract be made at land, though beyond sea, the trials shall be at law, though what is to be done be all of it beyond sea, by laying the contract made at a place in England; as in *Bourdeaux apud Islington in com. Middlesex*. So is the case of *Slaney and Cloberry*, against *Cotton*, where the plaintiff sued the defendant in the Admiralty-court, upon a promise made in Barbary, to sail from Sirborona, in Barbary, to Ricumpta in Brazil, &c. upon suggestion that the contract was made in London, prohibition was granted: for the performance of the consideration does not give the action, without the contract; and this was made at land, though beyond the seas, which may be supposed to be done in a place in England. 2 Rolls. Rep. 486. See Tucker and Cuff's case in the same book, 492, and 497, and 2 Brown. 10, 11.

A contract was made at Newcastle, that a ship should sail from Yarmouth to Amsterdam; a debt was brought upon this contract in the court of Newcastle; adjudged that the action would not lie there, being a limited jurisdiction, which shall not have cognizance of any matters done in *partibus transmarinis*, but only the courts at Westminster. *March's Rep.* 3.

If one libel in the court of admiralty for a thing done upon land, and it appears upon the libel that the thing was done upon the land, and they notwithstanding that, hold plea of it, a *præmunire* lieth upon it; but, if the same do not appear within the libel, then it was not within the 3rd of Rich. II. cap. 5. and 1st of Rich. II. cap. 3. but a *prohibition* shall only issue. 2 Leon. 183.

A Dutch ship was broken by a great tempest in a creek of the sea, *infra corpus comitatus de Dorset*; the sailors, upon pretence that the goods in the ship were *bona peritura*, procured a commission of sale out of the Admiralty-court to sell them; and the true owners, to prevent such sale, brought a *superfedeas*; and, upon shewing the libel to the court, a prohibition was granted.

1. Because the cause of action accrued *infra corpus comitatus*. 2. Because the sale of the goods was good, as *bona peritura*. *Calmer against Brand*. 2 Sid. 81.

One having taken a ship as prize, which had *bona peritura*, entered into recognizance with sureties before the judge's delegate, to bring the money raised by sale of the goods in the Admiralty-court before such a day, if they, upon a plaint there depending, did not adjudge the ship and goods to be lawful prize; which they adjudged lawful prize; and after, at another time, cited the owner before the judges of the admiralty, and, for his not coming and bringing the money at the day, they threatened to sue execution against the bail or sureties, who were merchants of London; upon which prohibition was prayed; for, by their first judgment or sentence, their recognizance was discharged, and they ought not, by colour of this, to endanger the credit of men of reputation; but the court would not grant a prohibition, for they said an unjust sentence of the admiralty, in a cause of which they have original cognisance, is not a cause of prohibition. 2 Sid. 152. *Becks v. Chelsoke*.

In the case of Sir Richard Hawkins, vice-admiral of the county of Devon, who was prosecuted in the star-chamber, for abetting and comforting Hull, and other notorious pirates. It was there resolved that, by the common laws, the admiral ought not to meddle with any thing done within the realm, but only with things done upon the sea; and also by the statute of 13 Rich. II. cap. 5. 2 Hen. IV. cap. 11. It was likewise resolved, that the said statutes are to be intended to hold plea, and not of a power to award execution; for the judge of the admiralty, notwithstanding these statutes, may do execution within the body of the county.

Where one admits the jurisdiction of the admiralty by pleading there, no prohibition shall be granted. *Jennings against Audley*, 2 Brow. 30. 12 Rep. 77. Therefore, on a motion for a prohibition in a suit for seamen's wages there, the suggestion was, that the court below refused to allow the defendant's allegation; that the place, where the plaintiffs entitled themselves, was not a port of delivery: this is no foundation for a prohibition; if any thing, it must be an appeal.

Craddock bought divers things within the body of the county, which concerned the furnishing a ship, as cordage, &c. the vender sued him in the Admiralty-court; a prohibition was granted, 2 Brow. 37. *Craddock's case*, Owen 122. 3 Keeble 552. *Merryweather against Mountford*. Note, No appeal from the admiralty before a definitive sentence. *Lord Raymond* 1248.

The defendant being master of a ship, of which the plaintiff was owner, the ship was taken by pirates upon the sea; and to redeem himself and the ship, he contracted with the pirate to pay him 50 l. and pawned his person for it; the pirate carried him to the isle of Scilly, and there he paid it with money borrowed, and gave bond for the money at his return; after the redemption both of the ship and himself, he sued in the admiralty for the 50 l. and had a sentence for it, and thereupon a prohibition to the admiralty was prayed, but denied; because the original cause began upon the sea, and whatever followed was but accessory and consequential. *Hard*. 183.

Prohibition was granted to the Admiralty-court, on the 22d. and 23d Car. II. cap. 26. sect. 11. in suit there, for the forfeit of a ship on selling wares in Ireland without breaking bulk, being put into Ireland from America, by contrary winds, this being triable in the plantations, or any court of record in Westminster. *Pidgeon v. Trent*, 3 Keeble, 640. 647. 651.

A master of a ship agreed with certain merchants concerning a voyage, and received orders from them to lay in provisions of meat and drink, and to provide mariners, &c. and after the voyage was finished, the merchants refused to pay the master of the ship what they

had agreed for; upon which he libelled against them in the admiralty; prohibition was granted upon the statute of 2 Rich. II. cap. 3. the contract being upon land, and denied the case. *Hill*. 8 Car. I. Cro. 296. which saith, that when a thing is in its nature maritime, as in the cases of mariners wages, the admiralty shall have the cognisance of it. *Woodward against Bouishan*, *Raymond* 3, and 3 *Levinz* 60. *Coke against Cretcher*, &c. 2 Vent. 181.

If a contract or obligation be made upon the sea, yet, if it be not for a cause marine, the suit upon this shall be at common law, not in the admiralty. *Hob*. 11.

If the original contract be made at sea on a marine cause, and after reduced into writing at land, the common law, not admiralty, shall have the cognisance. *Hob*. 79, 212. *Palmer against Pope*.

If a charter-party be made in England to do certain things in divers places upon the sea, though that no act is to be done in England, but all upon the sea, yet no suit shall be in the admiralty for non-performance of the agreement; for the contract is the original, and is out of their jurisdiction; and where part is triable at common law, and part in the admiralty, the common law shall be preferred. *Maldonado v. Slaney*. 1 Roll. Abr. 532, 533.

A contract laid to be made *intra fluxum & refluxum maris*, &c. is well enough laid to give the admiralty a jurisdiction: it was upon the high seas when the water was at high-water mark, and it might be at land when the water was at low-water mark. In that case there is *divisum imperium* between the common law, and admiralty jurisdiction. *Lord Raymond* 1453.

It was moved for a prohibition to the admiralty, because the libel was to execute a sentence of the *Alcade*, which is the admiralty at *Malaga* in *Spain*, upon a thing done within a port there, and, after a rule for a prohibition *Nisi*, it was moved that no prohibition should be; for though this court will not execute the sentences of any foreign court, inasmuch that is governed by a direct law, yet these of the admiralty may, and it is their use to do so; for this, that all the admiralty courts in Europe proceed by the same law, viz. the civil law, and *Wibrel* and *Wiat's case*, 5 Jac. was cited to be adjudged accordingly. But, upon reading the libel in the principal case, it appears that the sentence was not definitive, but interlocutory, concerning a matter that founds as an action upon the case, and no sum set; and also the *Alcade* is not as an admiralty there, and for this a prohibition was granted. *Jurado v. Gregory*, 1 Sid. 418. 1 Lev. 267. 1 Vent. 32, and 2 Keeble 512, 610.

Motion for prohibition to the admiralty, for that they libelled against one for rescuing a ship, and taking away the sails from one that was executing the process of the court against the said ship, and for that, in the presence of the judge and face of the court, he assaulted and beat one, and spake many opprobrious words against him. Now, seeing that these matters were determinable at law, the ship being *intra corpus comitatus*, and they could not adjudge damages to the party, or fine, or imprisonment, a prohibition was prayed, but denied; for they may punish one that resists the process of their court, and may fine and imprison for a contempt, though they are no court of record; but, if they should proceed to give damages, they would grant a prohibition as to that. *Sparks*, &c. against *Martin*, 1 Vent. 1. The same doctrine *Lord Raymond's Rep.* 446. and 1 Vent. is there cited.

Suit in the admiralty, the defendant pleaded the statute of limitation; if that court deny the plea, prohibition will be granted; or if they do receive the plea, but will not give sentence accordingly, prohibition will go. *Hardress* 502. *Berkely v. Morris*.

A prohibition prayed to the admiralty, where there was a libel for a ship taken by pirates, and carried to Tunis, and there sold, for that it did not appertain to the court to try the property of the ship being sold upon land. In regard it was taken by pirates, it is originally within the admiral jurisdiction, and so continues, notwithstanding the sale afterwards upon the land. Otherwise, where the ship is taken by enemies, for that alters the property. Contrary to *Lord Hobart* in the Spanish ambassador's case, 78. 1 Vent. 308. 3 Cro. 685. After sentence

sentence in the admiralty court for the seizing of a ship, *trover*, and conversion at law will not lie. *Beake contra Thynwhitt*, *Laws of the Sea*, 425.

Cafe upon the statutes of 13 *Rich. II. c. 5.* 15 *Rich. II. c. 3.* and 2 *Hen. IV. c. 11.* for suing in the admiralty for matters done upon land. The ship of the plaintiff was arrested in the port of London, with goods going to the East-Indies, by which the plaintiff lost the profit of his voyage. The East-India company having an exclusive charter by the statute, 13 *Car. II.* petitioned the king in council to stay the ship, and an order was made to the admiralty to stay the ship by their process, which was issued accordingly; all which was done by the defendants as agents of the company, and they, as agents, paid the fees of the prosecution; and, if guilty, damages for the plaintiff in *duplo* 1500 l. and so upon arraignment judgment for the plaintiff, and an error affirmed. *Sands* against Sir *Josias Child* and others. 3 *Lev.* 351. A like case, 1 *Vent.* 47. *Home* against *Ivie*.

ADMIRALTY is also said of the jurisdiction or court in France, where justice is administered in the name and under the authority of the admiral. The admiralty general of France sit at the bench of the marble table, in the hall or court of Paris, every Monday, Wednesday, and Friday in the week; it is composed of a lieutenant-general, who presides, a particular lieutenant, three counsellors, the king's advocate and solicitor, a chief register, or secretary, and two ushers, or sergeants. All these officers, as well those of the general and particular courts of admiralty, established in the ports and harbours of the kingdom, are appointed by the admiral, but they must have their commissions from the king.

The jurisdiction of the judges of the admiralty has been regulated by Title XI. of Book I. of the ordonnance of the marine, or navy, of the month of August, 1681.

ADMIRALTY of *Holland*. The admiralty of the States-General of the United Provinces is divided into five colleges, which are those of Amsterdam, Rotterdam, Hoorn, Middleburg, and Harlingen.

Each college has its particular officers; namely, an advocate-fiscal, a receiver-general, a commissary-general, several secretaries and registers, an overseer of the sailors, a commissioner of sales, a treasurer pay-master, a grand-provost, and many officers for the inspection of passports, and the receipt of duties.

That the reader may have a more complete notion of all those colleges, and of their rights, privileges, and functions, we shall give a particular account of that of Amsterdam, which will be sufficient to make the others known.

The college of Amsterdam is composed of twelve lords, called counsellors of the admiralty. Of these twelve lords, one is deputed by the nobility of Holland, one by the city of Amsterdam, one by that of Leyden, one by Haarlem, one by Gouda, and one by Eadam. The other six are chosen by the other provinces, viz. Guelderland, Zealand, Utrecht, Groningen, with the Ommelanden and Overysse.

These lords of the admiralty have the right of taking cognizance of all the cases that happen in respect to the frauds, malversation, and contraventions committed against the placarts and ordinances relating to the navy; as well concerning the duties of export and import of merchandize, as to take care that the prohibitions relating to contraband goods be observed; upon all which cases they pass sentence summarily and sovereignly, excepting, however, such civil matters in which the sum in dispute amounts to above 600 florins: in these cases a man may remove the cause by appeal, before the States-General, and have a rehearing of it.

Passes must also be taken out from the admiralty, and they are distributed in the chambers, or offices, which are called simply convoys; and this is also the name given to the duties of export and import, paid on merchandizes. At Amsterdam the convoy is kept in the prince's court, which is a great building, where the college of the admiralty sits.

All the duties of import and export, paid by goods imported into, or exported from, the United Provinces, are paid to the admiralties; each college of which has its offices and officers for that purpose.

Those of the college of Amsterdam are at the entrance of the city, on the side next the gate called Boorn. When boats go to, or return from, any ship, with merchandize, the officers have a right to visit them, and examine whether they have not more goods on board than are contained in the pass, in which case they may stop them; however, they are not allowed to break open or unpack any thing before notice be given to the commissary-general.

ADRAGANTH, or TRACACANTH, or DRACANT, is the gum of the goat's-thorn C.B. of the hoary Cretan goat's-thorn, with a small flower streaked with purple lines. *Tournefort*.

Tragacanth is a gummy concrete juice, which exudes, both spontaneously, and from wounds made in the trunk and branches of the plant, which grows in Crete, Asia, and Greece. It is brought to us from Turkey, either drawn out into long vermicular pieces, and bent into a variety of shapes, or run together in lumps; of a white, yellowish, brownish, or blackish colour, semi-transparent, dry, yet somewhat soft to the touch, and of very little taste or smell. It should be chosen white, resembling fish-glue, in small curled sprigs, and free from any visible impurities. It neither dissolves in spirit or oils. Macerated in a small quantity of water, it forms a thick, mucilaginous juice, which does not perfectly dissolve in a larger. From its smooth and emollient quality, it is thought proper for abating the acrimony of the humours, and therefore useful in such coughs as proceed from catarrhs and effluxions of rheum; it is likewise strengthening in seminal weaknesses, and very good against the *fluor albus* in women: it is also of other use in medicine, for the composition of electuaries, for diseases of the eyes, and for making several kinds of trochisks; but the greatest consumption made of it is by several mechanics and artificers, who employ it in various works. The skinner and curriers, who use considerable quantities of it in the preparation of their leather, prefer the brown or blackish sort; for all other purposes the white is the best.

Mr. Miller observes in his *Gardener's Dictionary*, that, notwithstanding what *Tournefort* has said concerning this gum being produced from that particular species which grows in Crete, yet many authors are of opinion that it is taken from other species, particularly that of *Marseilles*, from whence that gum is often brought into England.

ADRIATIC-SEA, is noted for the first settlement of the Venetians. In the bottom of this sea there were a quantity of small marshy isles, separated only by narrow canals, but covered, and as one may say, secured by divers morasses, which rendered the taking them almost impracticable. Here some fishermen retired, and lived on the small traffic which they made with their fish, and of the salt which they drew from the ponds on some of these isles.

It was these islands which served for a retreat to the Venetians, a people of that part of Italy which is along the Gulf, when Alaric king of the Goths, and afterwards Attila king of the Huns, came to ravage Italy, particularly after that this last (who highly merited the name of the Scourge of God, which he had given himself) had taken Padua and Aquila, and had reduced them to ashes.

These new inhabitants of the morasses did not at first compose any body politic, but each of these seventy-two isles of this little Archipelago had, for a long time, their proper magistrates, and, as one may say, a separate sovereignty.

When the commerce became so flourishing as to give jealousy to their neighbours, the Venetian Islanders thought of forming themselves into a republic, and it was this union (first begun in the sixth century, but not perfected till towards the middle of the eighth) which laid the most solid foundations of the power and commerce of the Venetians, particularly of the latter, which during more than four ages, had not, in any respect, its equal in all Europe.

Until the union of the isles, the trade of their inhabitants spread but little beyond the coasts of the Mediterranean; but the establishment of the new republic, having

ing given courage and strength to their merchants, their fleets were in a short time seen to visit the most distant ports of the ocean, and afterwards those of Egypt; and by the treaties made with the sultans, under the pope's approbation, secured the trade of spices and other rich merchandizes of the East, which they were to purchase at Cairo, a new city the Saracen princes had built on the banks of the Nile.

The riches of the Venetians increased to such a degree, by the commerce with Egypt, that they thought themselves strong enough to undertake some conquests, and to form, from the taking a number of important towns, what they called their state of *terra firma*, which rendered them yet more considerable in Italy, though they lost a part after the famous league of Cambray.

Animated by these first successes, and supported by the resources of their commerce, and by the inexhaustible funds, which their merchants were capable of furnishing to the treasury of the republic, Venice happily carried her arms yet farther, and extended her conquests on the side of the Morea, and in many of the principal isles of the Mediterranean and Archipelago, which she subjected to her dominion; and, to complete her glory, she had a great share in almost all the croisades which were made for the recovery of the Holy Land, or for the succour of the Christians of the Levant, as well as the taking of Constantinople, and the conquest of the best part of the Grecian empire, which passed under the dominion of the French princes, in the beginning of the thirteenth century.

Venice was in this state of prosperity and glory, when she experienced the lot of so many powerful cities, which the fall of their commerce had either ruined or weakened; she found, in the diminution of her own, the fatal term of that puissance which had given umbrage to so great a number of princes combined to her destruction, who signed the treaty of Cambray in 1508; and two of her most celebrated historians take particular notice, that their sage senate had not had so much trouble to re-establish their public affairs after the famous battle of Aignadel, but because the republic could not any longer find the same resources as heretofore, in the trade of the merchants, already greatly enfeebled by the loss of that of the spices, which the Portuguese had begun to carry from them, and which was yet diminished from another side by the Provincials, particularly by those of Marseilles, who became in greater esteem than the Venetians at Constantinople, and in the principal sea-ports of the Levant, and who knew so well how to maintain their credit, that very soon all the commerce of those parts was only carried on under French colours. See VENICE.

ADVANCE, *an anticipation of time*. Money paid by way of *advance* is money paid before goods are delivered, work done, or business performed. To pay a note of hand, or bill, by *advance*, is to pay the value before it becomes due, for which a discount is usually taken.

ADVANCE signifies also loan of money, or supplying with merchandize. "I am upon advance with such an one: that is, I have lent him considerable sums; I have supplied him with abundance of goods, and do not know when I shall be reimbursed."

ADVANCE. In the terms of bills of exchange, they say, *advance* for the drawer, when, upon a negotiated bill, the person who has negotiated it, receives above par upon it, that is, more than the sum contained in it. On the contrary, they say, *advance* for the payer, and loss for the drawer, when he, to whom the bill belongs, does not receive the full value of it.

To **ADVANCE**, to be at the expence of an undertaking, before the time arrives for being reimbursed. Abundance of money must be advanced in fitting out ships, before any returns come to hand; he has advanced all the costs of that manufacture, &c.

ADVANCEMENTS of money in the Bank. Besides discounting bills, the Bank will advance monies on government securities, or on a deposit of specie or bullion, but never on jewels, or estates; and they will likewise buy gold and silver bullion (after assaying) Spanish dollars, &c. though seldom at so high a price as private purchasers, these latter often buy for their own use, but the Bank

by way of merchandize, on which a profit is expected. See BANK.

ADVENTURE, a term used in commerce by sea, which the French seldom employ without adding to it the epithet *grosse*; *mettre de l'argent à la grosse aventure*, that is, to apply money in order to share in the profits of ships.

The English, instead of *adventure*, vulgarly use the word *venture* for a small parcel of goods, &c. sent with a friend that goes to sea, to any part of the world.

ADVENTURER. A merchant's ship is called an *adventurer* that goes to traffic within the limits of a grant to a trading company, without having obtained their permission.

ADVENTURER, signifies also a person little or not known in public business, who boldly thrusts himself into affairs, and proves a trickster: all prudent merchants ought to be well aware of such persons.

ADVENTURERS, so were called those bold and enterprising pirates, who joined together against the Spaniards in the West-Indies, and formed enterprises against them both by sea and land, which would scarce be credible, if the French *adventurers* of St. Domingo had not in some measure verified them, by the taking of Carthage under Messieurs de Pointis and du Caffé. The name more usually given them is *Buccaneers*, though not so honourable. See *BUCCANEERS*.

Merchant-ADVENTURERS, are merchants that adventure their goods to sea, and trade to foreign parts; so called, in contra-distinction to such as carry on only an inland or home trade.

ADVENTURERS, those also are called so, who undertake either by themselves, or in companies, the settlement of colonies and plantations in America, which distinguishes them from the planters, by the name of proprietors of such lands, colonies, or plantations.

The latter are employed in planting and cultivating the lands, and the others lend their money, and hazard or adventure it, in hopes of the profits they are to receive thereby. These are what, properly speaking, are called in France, *actionnaires*; the others, inhabitants, colonists, and grantees. In this sense we find, in the collection of the charters of England, the adventurers and planters in Virginia, the adventurers and planters of New England, and so of the rest; the charters granted for new colonies always distinguishing those kinds of parties concerned, and granting them different privileges.

ADVENTURINE, or *AVENTURINE*, a precious stone of a yellowish-brown colour, full of little specks, which seem to be of gold. There are pretty fine pieces of it found in Bohemia, Silesia, and different parts of France.

This stone takes the polish easily, but then it easily breaks. It is used in the finest inlaid works: snuff-boxes, patch-boxes, and watch cases, are also made of it.

There is a counterfeit *adventurine* made with the filings of brass, and powdered glass (whilst they are in fusion over the fire) to which a yellow tincture is given; but the factitious *adventurine* never comes near the genuine and natural.

To **ADVERTISE** any thing that is lost, or stolen, which the French call *recommander une chose perdue*, is, with them, to send to all the merchants or traders, who might purchase the same, tickets, or notes, containing a description of the thing, its nature, quality, form, &c. that, in case it be offered them to sale, they may stop it, and give proper notice. This is much after the same manner as is practised here in London, with regard to any piece of plate that is lost, of which notice is given to all the silver-smiths. But we generally *advertise* here in England in the Gazette, or in any other of the printed news-papers. It is also customary in Holland to give notice by the public crier.

Advertising in the news-papers, in regard to matters of trade and business, is now grown a pretty universal practice all over the kingdoms of England, Scotland, and Ireland; and it seems to be a very natural way for men of business of any kind to communicate what they have to propose to the public. It is the way, indeed, by which the government impart their intentions to the kingdom

kindom in general, the Gazette, printed and published by authority, being nothing more than a kind of public *advertiser*, for the information of the whole community. The great trading and monied corporations practise the same, as being the best method of letting the public know their proceedings. And however mean and disgraceful it was looked on a few years since, by people of reputation in trade, to apply to the public by advertisements in the papers, at present, it seems to be esteemed quite otherwise; persons of great credit in trade experiencing it to be the best, the easiest, and the cheapest method of conveying whatever they have to offer to the knowledge of the whole kingdom.

ADVICE, advertisement, instruction given to a person concerning something that he did not know. To give *advice* is used to signify, the communicating to another, by letter, what passes.

The merchants of Provence sometimes use the term *advifo*, which they have adopted from Italy.

A letter of *advice* is a letter missive, by which a merchant, or banker, informs his correspondent, that he has drawn a bill of exchange upon him; that his debtor's affairs are in a bad state, or that he has sent him a quantity of merchandize.

To letters of *advice* concerning the sending of goods, the invoice is usually annexed. See INVOICE.

In regard to letters of *advice* for the payment of a bill of exchange, they ought to contain the name of the person for whose account it is drawn, the day, month, and year, the sum drawn for, and the name of him from whom the value is received. It ought also to mention the person's name to whom it is payable, and the time when due; and, when bills of exchange express the payment to order, that ought also to be specified in the letter of *advice*.

A person may refuse excepting a bill of exchange, when he had not advice of it.

ADVICE, is also used for opinion, or counsel. This is my advice, or opinion. I have done nothing in this, but by the opinion and advice of the most skilful merchants.

ADVICES, how to be given the Bank for payment of bills, and what those drawn on by commission must give. If you have any accepted bills payable in London, and to save yourself the trouble, have a mind that the Bank should recover them, you must indorse, and carry them with your book to the Bank, and have them entered by the proper clerks, who sit at one end of the great hall; and after this deposit, they will be carefully recovered, or duly protested; if the former, their import will be credited to your account; if the latter, the bills will be returned, and the charges of protesting debited you.

If you would have the Bank pay any bills that are drawn on you, you may accept them payable at the Bank; and in this case you must, before they fall due, give the Bank an order to pay them when presented, *advising* their contents, from whence, and by whom drawn, &c. or you may, at the time of acceptance, write an order on them to the cashiers (as a draught) to pay them when due, though besides this, a separate order must be left there for their discharge.

It is the duty of every one drawn on by commission, to advise the drawer (immediately on hearing of the draught) whether he will accept it or not, on the condition, and for the account of him for whom it was made; and if the bill be for the account of a third person, the acceptant must give him *advice* also of the drawer and sum passed on him for his account, and add when it falls due, and whether he will honour it or not.

He that is drawn upon for the account of a third person, from whom he has received no orders for accepting, nor is in cash for him, neither hath directions to re-value on the principal, acts prudently if he suffers the bill to be protested for non-acceptance, unless he knows the drawer to be a responsible man, and this inclines him to accept (*supra protest*) for his honour, which he may do if he pleases, and oblige the drawer afterwards to make him satisfaction; but in this case he ought immediately to *advise* the drawer of such his acceptance under protest.

He that is drawn on for the drawer's account, or that of a third person, and scruples to accept it for the one or the other, either freely or under protest, may accept the same in honour of any indorser (*supra protest*) that he thinks proper to trust, and is then obliged to give the drawer, and the person for whose account it is, and also the indorser for whose honour he accepts, *advice* thereof; and to send the protest, with the instrument of acceptance, to the indorser, that he may use it against the drawer.

When the acceptant hath accepted a bill (*supra protest*) in honour of the drawer or any indorser, for want of *advice*, order, or provision, from him for whose account the bill is drawn, and he afterwards receives both orders and effects, he is then obliged to free the drawer and indorser from their obligations, and to *advise* them that he will pay the draught for his account for whose it was drawn, and that he therefore discharges them.

If any one accepts a bill with the drawer's obligation, he must at the day of payment *advise* the drawer, whether he, for whose account the bill was drawn, had made provision for it, or otherwise disposed its payment, and if this was done, he in consequence discharges the drawer from his obligation.

When any one is drawn on for the account of a third, by another with whom the acceptant never had any correspondence, and consequently must be ignorant of his Firm, he ought to be deliberate in his acceptance, though he has orders from his principal to honour such draughts, and should rather wait for the drawer's *advice*, that he may compare his letter and bill, than be precipitate in this acceptance.

TO ADULTERATE, is to mingle something foreign to its kind, with any substance, or to debase any thing with bad ingredients. To *adulterate* or counterfeit the coin, is a capital crime in all nations.

ADULTERATION, the act of debasing or corrupting a thing, by mixing it with others. The *adulteration* of medicines, is the debasing those which are genuine, or counterfeiting them by others, which resemble them in appearance but not in efficacy. This scandalous practice has been complained of in all ages; but is at present become a trade so common, that unless some method be discovered to stop this growing evil, the practice of physic will be rendered utterly useless; for though the physician may prescribe with great judgment, yet the medicines, if so artfully adulterated, as not to be discovered but by the effect, will, instead of producing salutary effects, prove prejudicial to the patient.

ADY, the palm-tree of St. Thomas. It is a very tall tree, exceeding even the pine in height, with a thick bare upright stem, growing single on its root, and full of juice. Its leaves resemble those of the cocciferous palm-tree. Its head shoots forth into a vast number of branches, which being cut off, or an incision made therein, a proper vessel is hung up to receive the tears or juice which flows from the wound. This is used by the Indians instead of wine, and readily intoxicates. It is sweet when new, but turns sour in a few days: the rest of the branches which escape unhurt never fail of bearing fruit.

ÆGYPT. See EGYPT.

ÆGYPTIACUM *Unguentum*, in pharmacy, the name of a composition originally ascribed to Mesue, and received by most of the dispensatories which have been since written, without any material alteration. It is compounded of verdigrease, honey, and vinegar, boiled to a proper consistence. The scum of this ointment is called *mel Ægyptiacum*, Ægyptian honey. Surgeons recommend the ointment as an admirable detergent, and very proper to keep down fungous excrecences in ulcers; but it is too corrosive, except mitigated according to the circumstances of the case. It would perhaps be somewhat difficult to account for the name of this ointment, because none of the ingredients bear any analogy to Ægypt. Aetius, however, observes that a certain Ægyptian made use of a medicine for the cure of an *achor*, wherein verdigrease was a principal ingredient, to which probably the name may owe its origin. Dr. Quincy says it takes its name from its dusky colour, wherein it resembles that of the natives of Ægypt.

AEM, AM, or AME, a liquid measure, used in almost all parts of Germany. It is not the same as the *aam* of Amsterdam, though nearly resembling it in name; neither is it alike in all the cities and towns in Germany. The *aem* is commonly of twenty vertels, or eighty maffes. At Heydelberg it is of twelve vertels, and the vertel of four maffes, which reduces the *aem* to forty-eight maffes; and in Wirtemberg the *aem* is of sixteen yunes, and the yune of ten maffes, which makes the *aem* amount to 160 maffes.

ÆRUGO, rust of any metal, particularly of copper, called verdigrease. See VERDIGREASE.

ÆS, Copper. See COPPER.

ÆS Ustum, a chemical preparation made of thin leaves of copper, sulphur, and nitre placed in a crucible layer upon layer, or as the chemists say, *stratum super stratum*, and set on a charcoal fire till the sulphur is wholly consumed. It is chiefly used in colouring glass, to which it gives a beautiful tincture. Physicians sometimes prescribe it, but with great precautions; surgeons apply it to eat off proud flesh and excrescences in the cure of wounds. The goodness of *æs ustum* consists in its thickness, which ought to be middling; in its colour, which ought to be of an iron grey on the outside, reddish grey within, and when two pieces are rubbed together, of a red like that of cinnabar. It must also be brittle and glittering when broke. The best *æs ustum* comes from Holland.

ÆSCHYNOMENOUS Plants. Those which are generally called sensitive, as giving some tokens of sense, have received this appellation. They are such, whose frame and constitution is so nice and tender, that on the touch or least pressure of one's hand, they will contract their leaves as if sensible of the contact.

ÆSTUARY, in Geography, signifies an arm of the sea which runs a good way into the land.

ÆSTUARY, in Physic, is the name of several instruments, contrived to convey heat to the whole, or particular parts of the body. Blancard explains it a *vapour-bath*, which is but one species of *astuary*.

ÆTHER, in Chemistry, is an extremely light and penetrating fluid, made of spirit of wine deprived of its phlegm by distillation with oil of vitriol, and then precipitating the sulphureous gas with an alkali. This æthærial spirit is one of the most noble and useful menstrua in all chemistry; for all essences and essential oils are extracted by it immediately, without the mediation of fire, from woods, barks, roots, herbs, flowers, berries, seeds, &c. Thus, from castor may be extracted an oil, sweeter than that of cinnamon; also, the true oil of saffron, &c. For if you pour on the ingredient, in a proper vessel, a spoonful or two of the æthærial liquor, and after it has stood an hour in a cold place, fill up the vessel with cold water, you will see the essential oil swimming upon the water, which may be easily separated by the funnel. Of this essential oil, one drop only upon a lump of sugar manifests the taste, &c. the medicinal virtues of the plant, exquisitely drawn out, comprehended in this essence. In like manner the essential oils of exotics are easily extracted. It is not however a true essential oil, but an excessive strong tincture, or essence.

ÆTHERIAL Oil, in chemistry, is a fine subtile oil, approaching to the nature of a spirit.

ÆTHIOPS MINERALIS, æthiops mineral. A medicine compounded of mercury and sulphur, prepared either with or without fire.

The method of making the *æthiops* with fire, is to melt any quantity of sulphur in an unglazed earthen vessel over the fire, and mix with it during the fusion, an equal quantity of mercury revived from cinnabar, by means of an iron spatula. After which, the mixture must be set on fire, to consume the sulphur, and the remaining mass, which is black, friable, and heavy, is the *æthiops mineral*.

The *æthiops* without fire, is made by rubbing equal parts of crude mercury and flowers of sulphur together in an iron or glass mortar, till they are intirely incorporated into a black powder.

Various are the accounts given of this medicine by authors; some recommend it in all foulnesses of the skin, old ulcers, every species of the venereal disease, and all agree that it is effectual against worms. But Boerhaave is

of a very different opinion with regard to the virtues of this medicine. He affirms, that it cannot enter the lacteal vessels, but is discharged out of the intestines as it goes in; however, if it be attended with very good fortune, he says, it may possibly kill worms, and that this is all the effect it can have.

ÆTHIOPS ANTIMONIALIS, the name of a powerful medicine described by Dr. Cockburn, which is prepared as follows. Flux equal parts of antimony and sea-salt in a crucible for an hour, then let the matter cool, break the crucible, and knock off the scoria; then rub equal parts of the regulus, made in this manner, and mercury together, till they are incorporated.

This is a noble medicine, and will cure most chronic disorders of the skin, and is admirable in all sorts of obstructions. Hence it becomes serviceable in the king's evil, and most glandular diseases, and many chronic distempers, which are out of the reach of other medicines.

ÆTITES, or EAGLE-STONE, so called, as formerly supposed to be found in the eagle's nest, is a tophaceous crustated stone, of a dark, russet, or ash-colour, and generally of an oval figure, hollow within, and pregnant, as it were, with another stone rattling in its womb. Many wonderful virtues were ascribed to this stone by Galen, Pliny, and others of the ancients; but they seem to be intirely founded on superstition and fancy, and accordingly it is very rarely, if ever, used in the present practice of physic.

AFFA, an ounce weight of gold is so called on the coast of Guinca. The half-ounce is called *eggeba*.

AFFAIR, every kind of business and occupation, in which a person employs himself, or is concerned.

This term is much used in commerce, in which it has various significations. Sometimes it is taken for *bargain*, *purchase*, *contract*, &c. but equally in a good or bad sense, according to what is added by way of explanation. Thus they say: "such an one has made a fine affair of it;" to signify, that he has gained much. And on the contrary: "that has had a bad affair of it," when he has lost considerably by a *bargain*, *purchase*, *contract*, &c.

Sometimes *affairs* are taken for a merchant's fortune, and in this sense they say, "he is very well in his affairs," when he is rich and at his ease, without debts, and possessed of a considerable fortune: and that "he is ill in his affairs," when he has had great losses, and is much in debt.

AFFICHE, so the French call those bills or advertisements, which are pasted up in public places, to make any thing known.

The use of these public bills is very common in trade. They are put up for the sale of merchandizes and of ships, and to inform the public of ships setting out for voyages, as is done upon the Royal-Exchange of London. These last contain the places to which they are bound, those where they are to touch on their voyage, of what burden or number of tons they are, how many guns they carry, and their number of men. It is also by these bills, that the French trading companies inform the public, of the quality and quantity of the stuffs, linens, metals, drugs, spices, and other effects, which arrive on the return of their ships. The place of their arrival is usually mentioned in them, with the day, and often the conditions of sale. In a word, there are few things in trade, for which the French merchants may not sometimes be obliged to have bills pasted up, and very often to make known the new manufactures they are endeavouring to establish, or even the change of their place of abode, in order to keep their customers.

It is not allowed at Paris to cause bills to be pasted up, upon any pretence whatsoever, without having first obtained the lieutenant general de police's permission, or that of the superior judges, according to the nature of the case.

AFFIDAVIT, an oath written and signed, and properly sworn before some person legally authorized for that purpose. As traders are frequently called on to make *affidavits* of one kind or other, they should be made thoroughly sensible of the nature of them.

An *affidavit* is defined by divines and moral philosophers, a religious assertion, or asseveration, wherein a person

person invokes the Almighty, renounces all claim to his mercy, or even calls for the divine vengeance upon himself, if he speaks falsely. In a legal sense, it is a solemn action, whereby God is called upon to witness the truth of an affirmation.

There is nothing that has been more complained of, nor with more reason, by wise and good men in all ages, than the multiplying of oaths, more especially among the trading part of mankind, in the ordinary course of their business. I speak particularly with regard to Custom-house oaths, &c. which, I humbly apprehend, traders should by no means be liable to, for although traders, who support their reputation by their care, industry, and ability in business, are certainly as honest a class of men as any in the community; yet, as they are not impeccable, they have a natural right to be upon a level with the best of their fellow subjects, and not to be under the necessity of swearing to every thing they do, or transact; which they are daily obliged to do, in respect to the revenue.

There is no order of men in the community who labour under the like restrictions. Was the lawyer, the physician, or even the divine, to be obliged to swear to do rigorous justice, in all cases where their interest is concerned, it is to be presumed, that they might not be free from evil any more than traders are, in cases where their interest is concerned: such a law, it is to be feared, would tend rather to render oaths useless, than to support their solemnity.

"I have heard, says Mr. Locke, very sober and observing persons complain of the dangers men's lives and properties are in, by the frequency and fashionableness of perjury amongst us. Faith and truth, especially in all occasions of attesting it upon the solemn appeal to heaven by an oath, is the great bond of society: this it becomes the wisdom of magistrates carefully to support, and render as sacred and awful in the minds of the people as they can.

"But if ever frequency of oaths making them to be looked on only as formalities of law, or the custom of straining truth (which men's swearing in their own cases is apt to lead to) shall once dip men in perjury, and if the guilt with temptation shall spread itself very wide, and make it fashionable in some cases, it will be impossible for the society, these bonds being dissolved, to subsist: all must break in pieces, and run to confusion.

"That swearing in their own cases is apt, by degrees, to lead men into as little regard of such oaths, as they have of their ordinary talk, I think there is reason to suspect from what has been observed in something of that kind. Masters of ships are a sort of men generally industrious and sober, and I suppose may be thought, for their number and rank, to be equally honest with any other sort of men; and yet, by the discourse I have had with merchants in other countries, I find, that they think, in these parts, they take a great liberty in their Custom-house oaths; to that degree, that I remember I was once told, in a trading town beyond sea, of a master of a vessel, there esteemed a sober and fair man, who yet could not hold saying, "God forbid that a Custom-house oath should be a sin."

"I say not this to make any reflection upon a sort of men, that I think as uncorrupt as any other; and whom I am sure ought in England to be cherished and esteemed, as the most industrious and most beneficial of any of its subjects. But I could not forbear to give this here as an instance, how dangerous a temptation it is, to bring men customarily to swear, where they may have any concernment of their own. And it will always be worthy the care and consideration of law-makers, to keep up the opinion of an oath high and sacred, as it ought to be in the minds of the people; which can never be done, where frequency of oaths, biassed by interest, has established a neglect of them; and fashion (which seldom fails to do) has given countenance to what profit rewards."

The Chinese administer justice with great rigour in all their tribunals. When any person commences a suit against another, he lays his claim in writing before the court of judicature, and the defendant gives in his defence in writing, which he signs, and which he is obliged

publicly to hold up in court between his fingers.

These two writings are delivered in together; and, being examined, sentence is delivered in writing, and each party has his papers returned to him; but first they return the defendant his writing, that he may again acknowledge it.

When one party denies what the other affirms, he is ordered to return his writing; and if the defendant thinks he may do it safely, and accordingly delivers his papers a second time, they also call for those of the plaintiff, and then they say to him who denies what the other affirms, make it appear that your antagonist has no right to demand of you what is in debate; but take notice, if he makes out what you deny, you shall undergo twenty strokes of the bamboo upon the backside, and pay a fine of twenty fagugs, which make about two hundred dinars.

This bamboo punishment is such, as the criminal could not survive; it is so grievous, that no person in all China may, of his own authority, inflict it upon another, on pain of death, and confiscation of his goods; so that nobody is ever so hardy as to expose himself to such certain danger: wherefore justice is well administered to every one. They require no witnesses, nor do they put the parties upon oath; which is the chief reason for mentioning this custom in China.

To collect the public revenue, therefore, without compelling traders to swear perpetually, was one great motive to Sir Matthew Decker, for proposing his late scheme.

AFFINAGE, an action which purifies and refines any thing, to render it finer, neater, and better; as metals, sugar, &c. *Affinage* is sometimes used with us in law-books, for the refining of metals. See **REFINING**.

AFFIRMATION, in a legal sense, signifies an indulgence allowed to quakers, who, in cases where an oath is required, may make a solemn *affirmation*, that what they say is true; and if they make a false *affirmation*, they are subject to the penalties of perjury.

Their *affirmation* and declaration allowed by 7 and 8 Will. III. cap. 34. and 13 and 14 Will. III. cap. 4. are to be accepted instead of an oath, in all cases where by law an oath is required, continued for ever by 1. Geo. I. cap. 6. sect. 1, 2.

The said *affirmation* or declaration is to be adjudged to be in these words, I A. B. *do solemnly, sincerely, and truly declare and affirm*, that, &c. by 8. Geo. I. cap. 6. sect. 2.

Such solemn *affirmation* or declaration is to be adjudged to be of the same force and effect in all cases, as if an oath had been taken in the usual form, by 7 and 8 Will. III. cap. 34. sect. 2.

Convicted of a wilful, false, and corrupt *affirmation* or declaration, they are to suffer as for wilful and corrupt perjury, by 7 and 8 Will. III. cap. 34. sect. 3.

AFIOUME, or FIUME, a kind of flax, which comes from Egypt, by the way of Marseilles and Leghorn.

AFRICA, one of the four principal parts of the world, is south of Europe, and west of Asia, and is bounded on the north by the Mediterranean, which parts it from the former; and on the east by the Red Sea, which separates it from the latter, to which it only joins by that small isthmus, or neck of land, which cuts off the communication between these two seas, and is commonly known by the name of Suez. On the south and west, it is surrounded with the main ocean, so that it may be properly styled a vast over-grown peninsula, joined only to the continent of Asia by the isthmus above-mentioned. It extends a prodigious way, not only on each side of the equator, but of the tropics likewise, the southern verge of it reaching quite to the 35th degree of south, and the northern almost to the 37th of north latitude; whereby its utmost extent, from north to south, is almost seventy-two degrees, or about 4320 miles. From east to west it reaches still farther, viz. from seventeen west to sixty east, or seventy-seven degrees of longitude, that is, 4620 miles. It is of a triangular or pyramidal figure, the base being the northern part of it, which runs along the shores of the Mediterranean, and the point or top of the pyramid the Cape of Good Hope.

Its situation for commerce is certainly beyond any of the other quarters of the world. It stands, as it were, in the center between the other three, and has thereby a much nearer communication with Europe, Asia, and America, than any other quarter has with the rest; for it is opposite Europe in the Mediterranean, almost 1000 miles in a line east and west, from beyond Tripoli to Cape Spartel, at the straits mouth; the distance seldom 100 miles, no where 100 leagues, and often not twenty leagues.

It is opposite Asia all the length of the Red Sea, north and south; the distance sometimes not above five leagues, seldom fifty; and it fronts all the southern coast of Asia, viz. the coasts of Cilicia, and that of India, though at a greater distance, yet much nearer than any other country. It is also wonderfully accommodated for commerce, by the interposition of islands from Madagascar to Malabar; and more particularly by means of the alternate trade winds, which render the navigation safe, easy, and constant.

Lastly, it is opposite to America, about the distance of between 500 and 700 leagues, including the islands, by a coast of above 2000 miles; whereas America no where joins Europe or Asia, except where it may be a *terraincognita*, the former under a distance of 1000 leagues, the latter under that of 2500.

It is furnished with the greatest and most convenient navigable rivers, and perhaps with as many of them, as any other of the chief parts of the world; such are the Nile and Nubia on the north shore, running into the Mediterranean sea; the Niger, or Rio Grand, running into the Atlantic ocean, on the west-side of Africa; the Congo, the Zairi, and the Loango, three rivers of prodigious extent, south of the line, which empty themselves into the Ethiopic ocean on the same west-side, but beyond the Gold-coast: also the Natal, the Prio St. Esprit, the Melinda, and the Mozambo, all rivers of a very great length and breadth, which empty themselves into the Indian ocean on the east-side of Africa. Besides these, there are innumerable others, which though not equal to them, are yet very noble streams, fitted for navigation and commerce; and was this country blessed with a people qualified for trade and business, they might become the medium of an endless commercial correspondence.

It is, indeed, populous to a greater degree than commonly thought, the soil fruitful, and the air salubrious; and, if once a turn for industry and the arts was introduced among the natives, a greater quantity of the European produce and manufactures might be exported thither, than to any other country in the whole world. And, as in general they stand in great need of European commodities, so they have the most valuable returns to make for them. This is not the state of trade between Europe and Asia: Europe calls for a vast variety of goods from Asia, and Asia calls for more money than any thing else from Europe; yet there seems to be a kind of peculiarity in this trade, to the infinite advantage, particularly of the Indian and Chinese commerce, and the great disadvantage of most, if not all the nations of Europe: for the trade of Asia drains the whole western world of their ready money, in return for their mere products and manufactures. However, in the main, this is not such a disadvantage to Europe as some are inclined to think; and it need only be observed, that some great politicians have looked upon gold and silver in no other light than as commodities, which ought to be as freely exported and imported, except in our own coin, as any other whatsoever: and, if Europe at present contained all the gold and silver that Africa and America have ever produced, it is to be questioned, whether she might be said to be ever the richer, by reason that gold and silver would then be, as was said of Solomon's time, as plenty as the stones in the streets, and therefore of little or no value. So that a commerce which takes off from the Europeans some proportion of its silver, may be as necessary as any other, to keep its value equally with that of gold, the latter always finding its value according to the quantity of the former.

But to return to the valuable returns the Africans have to make, which the Europeans experience, from the

share of traffic they carry on with them at present; to what a degree they abound in gold, we have not only the testimony of the Portuguese, the Dutch, and the French, as well as the English, who have settlements on the coasts of Africa, but the vouchers of the most authentic historians. There is no country in the world, says Leo Africanus, richer in gold and silver, than some kingdoms in Africa, as those of Mandingo, Ethiopia, Congo, Angola, Butica, Quiticui, Monomotopa, Cafati, and Mehenemugi. By means of settlements of strength on the continent of Africa, the Europeans might, by the exchange of their commodities, draw into their hands all the gold of those countries. And here is a prodigious number of elephants, which would not only facilitate the inland intercourse of commerce, but also afford a very beneficial branch of traffic, in the teeth of these notable animals. In the same historian are numberless passages relating to those rich mines, and shewing how easy it would be for the Europeans to carry on a very extensive traffic with that part of the globe. This account of the great treasures of Africa is confirmed likewise by the Nubian geographer, who says, that the king of Guinea, the greatest city in all the countries of Negroland, has a mass of gold of thirty pounds weight, as it was naturally produced in the mine; which is completely pure, tough, and malleable, without having been smelted by the ordinary arts of refining that metal from its native ore. Father Labat has descended to a very minute specification of a great variety of rich mines, which, he says, are very shamefully worked by the negroes, by reason of their being totally ignorant of the nature of mining; nor have they ever yet come to the main vein of any of their mines. Copper is another valuable ore found in this part of the world. The quantity of it is not fully searched into, though there is good reason to believe it is so exceeding great, that it is commonly said amongst them, that the mountains which we call Atlas, are all copper. On the northern coasts they have such plenty of corn, that their fields, though but very meanly cultivated for want of a knowledge in agriculture, yield them an hundred fold increase. Gums, ivory, wax, civet, ostrich-feathers, are in such quantities, that any expence of them can scarce ever be mislaid: and in these warm climates, the country, besides what nature has of herself disseminated, is, and must be capable of improvement, in all the nicest and most estimable productions, which the well cultivated world supplies us with, from other places in the same latitude. It cannot be doubted but the fruitful rich lands every where to be found upon the coasts, and within the country, upon the banks of the rivers near the Gold-coast, and the Slave-coast, would produce all the richest articles of the East and West-India commerce. The spices of Banda, Ternate, and Amboyna, might be produced on the rich and fruitful shores of Melinda, on the east side, or of the Slave-coast on the west side of Africa; and that as easily, and to as great advantage, as where they are now produced; the latitude being the same, and the soil not unlike. The cinnamon of Ceylon, the tea of China and Japan, and the coffee of Mocha, would all three be produced on the same coast, from the Rio de St. Esprit, and southward to the river Natale; a temperate, fertile, healthy, and manageable soil. It has been affirmed that the sugars of Barbadoes and Jamaica, as also the ginger, cotton, rice, pepper, or pimento, with the cocoa, the indigo, and every other plant which comes from these islands, would be as easily produced in Africa, and the crops equally profitable and plentiful, if supported by the same industry as in America; and we are assured that ginger, cotton, and indigo, have been attempted by the English factories on the Gold-coast of Africa, where they have thriven to admiration. Upon the foundation of these facts, nothing seems wanting to render Africa equal by nature, if not in many respects, superior to any of the other parts of the world: for though the middle of it, lying between the tropics in the torrid zone, and under the line, is exceeding hot; yet even in the hottest part it is habitable and inhabited; and the people abound in plenty, have cattle, corn, cooling fruits,

fruits, shades and rivers, and live very agreeably and healthy; as, for instance, in the island of St. Thomas, under the very line; also on the Gold-coast, and in the kingdom of Benin and Angola on the west shore; and in Ethiopia, Melinda, the coast of Zanguebar, and several of the more intemperate places on the eastern shore. But making allowance for some of the inland countries remote from the sea, which we are told are without water, and therefore desert; yet are they not equal to the uninhabited coasts of Europe, Asia, and America. Notwithstanding this, Africa, in the respect of feeling no cold, has an advantage over the other parts of the world: the most northerly latitude is about 37, and the most southerly about 35 degrees; so that the far larger part enjoys the finest and most temperate climate. It is, however, melancholy to observe that a country which has near 10,000 miles of sea-coast, and noble, large, deep rivers, should yet have no navigation; streams penetrating into the very center of the country, but of no benefit to it; innumerable people, without knowledge of each other, correspondence, or commerce. At the entrance of these rivers into the sea are the most excellent harbours, prodigious in number, deep, safe, and calm, covered from the wind, and capable of being made secure by fortifications; but no shipping, no trade, no merchants, even where there is plenty of merchandizes. In short, Africa, though a full quarter of the globe, stored with an inexhaustible treasure, and capable, under proper improvements, of producing so many things delightful, as well as convenient within itself, seems utterly neglected by those who are civilized themselves, and its own inhabitants are quite unsolicitous of reaping the benefits which nature has provided for them. What it affords in its present rude, unimproved state is solely given up to the gain of others, as if not only the people were to be sold for slaves to their fellow creatures, but the whole country was captive, and produced its treasure merely for the use and benefit of the rest of the world, and not for their own.

Whether, instead of making slaves of these people, it would not rather become such nations that assume to themselves the name and character of Christians, to give them a relish for the blessings of life, by extending traffic into their country in the largest degree it will admit of, and introducing among them the more civilized arts and customs, may be submitted to consideration. The Dutch, by recommending their dress and introducing their customs in the Spice-islands, have wonderfully humanized the inhabitants, who were as strange in their manners as the negroes. But it is to be feared, that while the slave-trade with these people continues to be the great object of the Europeans, it will ever spirit up wars and hostilities among the negro princes and chiefs, for the sake of making captives of each other for sale. This, therefore, will ever obstruct the civilizing these people, and extending their trade into the bowels of Africa, which, by the contrary means, might be easily practicable. The obtaining a competent number of servants to work, as the negroes at present do, in the colonies belonging to the several European potentates, who have settlements in America, does not seem at all impracticable. Europe in general affords numberless poor and distressed objects for that purpose; and if these were not over-worked, as the negroes are in some of the American colonies, the Europeans would make as good servants for the planters as the blacks do; and, if also all the Europeans were upon a level in regard to the price of labour in their colonies, they would all, very probably, find their account in laying absolutely aside the slave-trade, and cultivating a fair, friendly, humane, and civilized commerce with the Africans.

Africa once contained several kingdoms and states, eminent for the liberal arts, for wealth and power, and the most extensive commerce. Then almost all the northern parts of Africa were full of people, from the Red Sea to the Atlantic ocean; the kingdoms of Egypt and Ethiopia were much celebrated, and the rich and powerful state of Carthage extended her commerce to every part of the then known world: even the British shores were visited by her fleets, 'till Juba, king of Maurita-

nia and tributary to Carthage, unhappily called in the Romans, who, by the assistance of the Mauritians, subdued Carthage, and made all the kingdoms and states in Africa subject to them. After this, the natives constantly plundered, and consequently impoverished by the governors sent from Rome, neglected their trade, and cultivated no more of their lands than might serve for their subsistence. Upon the decline of the Roman empire, in the fifth century, the north of Africa was overrun by the Vandals, a barbarous northern people, who contributed still more to the destruction of arts and sciences; and, to add to this country's calamity, the Saracens made a sudden conquest of all the coasts of Egypt and Barbary in the seventh century: these were afterwards succeeded by the Turks; and both being of the Mohammedan religion, whose professors carry desolation with them wherever they come, the ruin of that once flourishing part of the world was thereby completed.

Three different people inhabit this continent, namely, Pagans, Mohammedans, and Christians. The first are the most numerous, possessing the greatest part of the country from the tropic of Cancer, to the Cape of Good Hope, and these are generally black. The Mohammedans, who are of a tawny complexion, possess almost all the northern shores of Africa. The people of Abyssinia, or the Upper Ethiopia, are denominated Christians, but retain abundance of Pagan and Jewish rites: there are some other Christians upon the sea-coasts on almost every side of Africa; but the number is small, compared with that of the Pagans or Mohammedans. There are also some Jews on the north of Africa, who manage all the little trade that part of the country is yet possessed of. But it is remarkable, that though the Carthaginians, who inhabited this very country of Barbary, had greater fleets, and a more extended commerce than any other nation, or than all the people upon the face of the earth, when that state flourished, the present inhabitants have scarce any merchant ships belonging to them, and no other ships of force than what Saltee, Algiers, Tunis, and Tripoli, fit out for piracy, and these but few and small, their whole strength not being able to resist a squadron of European men of war.

There are scarce any two nations, or indeed any two of the learned, that agree in the modern division of Africa; and for this very reason, that scarce any traveler has penetrated into the heart of the country, and consequently we must be content to acknowledge our ignorance of the bounds, and even the names of several of the midland nations. These may still be reckoned among the unknown and undiscovered parts of the world; but, according to the best accounts and conjectures, Africa may be commodiously divided into ten parts, consisting of, 1. Egypt. 2. Ethiopia Superior. 3. Zanguebar, with Adel, all which lie on the east of Africa. 4. Monæmugi, Monomotapa, and Caffraria, called by some the Lower Ethiopia, which lie on the south. 5. Guinea, on the south-west. 6. Nigritia, or Negroland in the middle of Africa, extending almost quite through the country from east to west, on both sides of the great river Niger. 7. Zaara, or the Desert, to the northward of Nigritia. 8. Biledulgerid, the ancient Numidia, to the northward of Zaara. 9. The empire of Fez and Morocco, containing the north-west part of Africa. 10. The coast of Barbary, on the north, containing the countries of Algiers, Tunis, Tripoli, and Barca.

The Portuguese being the first that discovered the coast of Africa, they built one fort on the island of Arguin, on the north coast; another called St. George del Mina, on the Gold-coast; and a third at a place called Loango St. Paul's, on the coast of Angola, to the southward of the equinoctial line. By virtue of these possessions, they not only claimed, and for many years enjoyed, the right in and to all the said lands and countries, but likewise seized and confiscated the ships of all nations, as often as they found any of them trading on any part of the said coast.

About the latter end of the reign of king Edward VI. some London merchants fitted out the first English ships that ever traded to Guinea; and in the reign of queen Mary, and for the first ten or twelve years of queen Elizabeth,

zabeth, sundry other private ships were fitted out for the same parts; but the English not having as yet any settlements or plantations in the West-Indies, and consequently no occasion for negroes, such ships traded only for gold, elephants teeth, and malaguetta; and all such voyages were undertaken and performed at the hazard of losing the ships and cargoes, if they fell into the hands of the Portuguese, without the least ground to hope for any redress or satisfaction for the same.

Queen Elizabeth, in the 30th year of her reign, being then at war with Spain and Portugal, erected a company for the better discovering and carrying on a trade from the northernmost parts of the river Senegal, and from and within that river, all along that coast, unto the southernmost part of the river Gambia, and within the same; and gave and granted unto them the whole and sole trade in, to, and from the said rivers and countries, for a certain term of years; with prohibition to all others her subjects to trade to the same places, on pain of forfeiture of ships and goods: and these were the first English merchants that ever traded to the coast of Guinea, by and under the authority of the crown of England.

In the reigns of the kings James and Charles I. and during the time of the usurpation, several persons were encouraged by public authority, to trade to other parts of Africa, and to take such measures for the better carrying on and improving the same, as they should judge most proper. In pursuance whereof, they built one fort at a place called Cormantine, on the Gold-coast, and another on the river Gambia, on the north coast; and these were the only places of any consequence which the English were in possession of at the Restoration.

King Charles II. soon after his restoration, being made acquainted with the dangerous and precarious state and condition to which the trade of his subjects in those parts was reduced; and having likewise received many complaints touching the interruptions given to, and depredations committed upon, the ships of this nation, by the Dutch West-India company on the coast of Africa, it became necessary to consider not only of a proper method for protecting and securing the said trade for the future, but likewise how and in what manner reparation might be obtained for such damages and depredations. The result was the institution of the company of Royal Adventurers of England, trading into Africa, by letters patent under the great seal of England, bearing date the 10th of January, 1662. But this company, though they kept their footing in Africa, yet, by reason of the consequences of the wars with the Dutch, which the nation was then obliged to engage in, they had so many difficulties to struggle with, that they consented to surrender their charter to the crown. This was in consideration of a certain sum of money, to be paid unto them by another new company, then intended to be established. The terms of the surrender being accepted, his majesty established and incorporated a new Royal African company, by his letters patent under the great seal of England, bearing date the 27th of September, 1672; and granted unto them all and singular, the lands, countries, havens, roads, rivers, and other places in Africa, from the port of Sallee, in South Barbary, to the Cape of Good Hope, for and during the term of 1000 years; with the sole and entire trade into these countries, and a prohibition to all his other subjects to visit or frequent the same, without the licence and consent of the said company: and also, with such other powers and privileges, as were then judged proper and necessary, for enabling and encouraging them to undertake so hazardous and chargeable a work.

This new company met with all possible opposition from the French and Dutch, and sustained particularly several considerable losses by means of the wars with the French in the reign of king William III. inasmuch, that the parliament in 1697, taking the trade to Africa into consideration, thought fit, as a further means of enlarging and improving the same, to lay it open to all his majesty's subjects for thirteen years; and in regard that the Royal African company of England had been at the charge of building and maintaining a considerable number of forts and castles on the said coast, which the

parliament likewise judged necessary to be kept up and maintained in future, for the preservation and better carrying on the said trade, they were further pleased to impose a duty of ten *per cent. ad valorem*, on all goods and merchandize exported to Africa, during the said term, to be answered and paid to the said company for enabling them to keep and maintain their forts and castles.

This act continued in force from the 24th of June 1698, to the 24th of June 1712; in which time the charges the company were at in maintaining their forts and castles amounted, at a medium, to about 20,000 *l. per annum*, and in fourteen years, to 280,000 *l.* in the whole. The duty which the separate traders paid in the same time, amounted, in the whole, to 73,785 *l.* 10 *s.* 6½ *d.* and no more; and ten *per cent.* upon the company's own exports for the same time amounted to the sum of 36,387 *l.* 13 *s.* 1½ *d.* From whence it appears, that, even while the act continued in force, the total of the ten *per cent.* duty came very short of half the charges and expences which the company were at in keeping and maintaining their forts and castles. Under these difficulties, and by the extravagant rise in the prices of negroes at Anamaboe, and other places on the coast, and by the decay of the gold trade which ensued thereupon, the proprietors of the company were for many years obliged either to raise sundry great sums of money for maintaining their forts and castles, without receiving any profit from the trade, in return for the same; or to run the risque not only of losing all the money which they had from time to time raised and expended for supporting their own property, but of becoming accessaries to the entire loss of the trade of Africa, and consequently, relinquishing and abandoning their forts and castles, to be possessed by such foreign nations as were long watching for an opportunity to get them into their hands. This being the case with regard to the company, and it being the sense of the nation, that the trade to Africa should continue free and open to all his majesty's subjects, the only thing that remained to be considered was, whether or no forts and castles were necessary to be kept up and maintained for the preservation of the said trade to this kingdom; and if they were necessary for that purpose, who, upon the footing of a trade still free and open, ought in justice and reason to bear and defray the charges of them?

As there was no reason for the company's being obliged to maintain the forts and castles at their own sole cost and charge, they petitioned the parliament in 1730, and obtained 10,000 *l.* to enable them to support their forts and settlements. This sum was annually continued to them, except two or three years interruption, till another change was made in the state of this company, by an act of parliament of the year 1751. By this act the company were divested of their charter, and after the tenth of April, 1752, ceased to be a corporation, and their forts, castles, and all other their possessions in Africa were vested in a new company of merchants; and in consequence of the trade to Africa being, by virtue of the said act, and that also of the 23d. of king George II. made free and open to all his majesty's subjects, the parliament allowed this company 10,000 *l. per annum* for the support of the forts and castles for the public service. But on the 15th of May, 1765, an act of the preceding session of parliament, intituled, "An act for vesting the fort of Senegal, and its dependencies, in the company of merchants trading to Africa," was repealed, and another act then passed to vest as well the said fort and its dependencies, as all other the British forts and settlements upon the coast of Africa, lying between the port of Sallee and Cape Rouge, together with all the property, estate, and effects, of the company of merchants trading to Africa, in or upon the said forts, settlements, and their dependencies, in his majesty, king George III. and for securing, extending, and improving the trade to Africa.

The African trade, as may be known from the premises, consists of but three capital articles: *slaves, ivory, and gold*; a very beneficial and advantageous commerce, especially as it was once carried on, when these were all purchased at low rates from the negroes, and even

even those low rates paid in trifles and toys, such as knives, scissars, kettles, glass beads, and cowries, things of little value; but even this part of the trade was greatly declined in profit, since by the strife and envy among the traders, particularly between the Royal African company and the separate traders, we had the folly to instruct the negroes in the value of their own goods, and the cheapness of ours; endeavouring to supplant one another, by underselling and overbidding, by which we taught the negroes to supplant both, by holding up the price of their own productions, and running down the rates of what we carried them for sale. Thus that gainful commerce, once superior to all the trades in the world, which carried out the means of all exportations, and brought home the richest, was sinking daily, and we were sometimes said to buy even the gold too dear. But all this while there was not the least use made of the land; the fruitful soil lies waste; a vast extended country, pleasant vallies, the banks of charming rivers, spacious plains, capable of improvement and cultivation to infinite advantage, remain barren and untouched. But there are now some hopes that these advantages will be no longer neglected, by the open to a more extensive commerce that has been made for us in the late definitive treaty of peace, and particularly by the cession of Senegal.

Note. We shall give an account of the products, trade, &c. of the AFRICAN ISLANDS under their distinct or respective heads; but shall here subjoin a sketch of the commerce on the greater part of the AFRICAN COASTS, presuming the same will come in here more properly than under the article COAST. Each part, however, will be further illustrated in its alphabetical order.

Of the commerce with the coast of BARBARY.

What is called *Barbary*, is that vast maritime part of *Africa*, which extends for more than six hundred leagues from Egypt to the Straights of Gibraltar, and a little beyond them into the Atlantic ocean. The principal kingdoms, or republics, which divide the coast of *Barbary*, are Tripoly, Tunis, Algiers, Morocco, and Fez; the government of these two last are entirely monarchical, and subject to the same prince; that of Tripoly is republican; and those of Tunis and Algiers, a mixture of both. All these states have a number of ports in the Mediterranean; and the kingdoms of Morocco and Fez have also some on the ocean, which are equally serviceable for the Christians trade, and for a retreat to their own cruisers.

The most considerable of these ports, and where the greatest trade is transacted, and consuls of different nations reside, are Tripoly and Gouletta (which is that to Tunis) Algiers and Sallee, in which last the chiefest trade of Fez and Morocco is carried on, although a good deal is done at Tetuan, and some at Arzilla, Alcazar, Azamor, Saphia, and Santa Cruz. The kingdom of Algiers has, besides its capital, Tremecen, Constantine, Bona, Bugia, Gigeri, La Calla, Cape Rosa, Collo, and that called the Bastion of France, near the gulph of Storacourcouri.

And besides the Gouletta, Tunis has Bizerta and Port Farina, though the Tripolines have only the port of their city, with some few places on the coast, where none, or hardly any trade is carried on.

The European merchants have warehouses only in the principal cities, and rarely land in any others, on account of the impositions commonly practised there; trading among these people (as the saying is) pike in hand, being always on their guard; or otherwise they are surely abused or cheated.

Our exports for this trade are cloths, and other woollens, muslins, and some other India goods, spices, drugs, tobacco, sugar, dying woods, alum, paper, steel, iron, lead, toys, mercery and hardware, ivory and box combs, glass beads, &c. And our returns from thence are ostrich-feathers, indigo, gold dust, dates, damasks, raisins, copper, wax, wool, goat-skins, coral, bitter almonds, &c.

Sallee is the port in the kingdom of Fez and Morocco, of the greatest commerce; the entrance of the river Guerou, on which it is built, has a bar of sand

that changes according to the winds that blow, which is of vast inconvenience to the trading vessels, though it serves as a resource to the Saletines when pursued by the Maltese, or other Christians, who are more in safety here, than in any other port of Barbary.

The European merchandizes are unloaded immediately on their arrival, into the Christian merchants warehouses there, and afterwards sold wholesale to the Moors or Jews, who send them to their correspondents at Morocco, Fez, Mequinez, Tarudant, and Illoc. The greatest part of the merchandize imported is consumed in these five cities, particularly at Mequinez, twelve leagues from Fez, which has the largest magazines of corn, hides, and wax, the chief commodities of the growth of Morocco, and the states dependant on it. What goods remain undisposed of in the said five places, are sent to the provinces of Sara, Dras, and Touet, in the kingdom of Taflet, where the Arabians take them in truck for gold dust, indigo, ostrich-feathers, dates, and sometimes a few elephants teeth; of which last, gold, or the feathers, none are produced in the territories subject to the king of Morocco, although the Christians yearly extract from thence a great quantity of that rich dust and plumes. The gold and ivory is brought by the Arabian troops, who go to procure them as far as the kingdom of Sedan and Gago, which are part of Guinea, and are above four hundred leagues from Morocco. The ostrich-feathers come from Sara (or Dara), a country to the south of Morocco, towards the sea of sand, where the Moors and Arabians kill them in great numbers, and sometimes take them alive, and bring them to Morocco, which has led many authors and geographers into the error of supposing them natives of this empire.

The Benizequers, a people of Africa in the province of Habat in the kingdom of Fez, have among them a number of weavers and curriers, who carry on a great trade in linen and hides; and the other commodities in which they deal, are honey, wax, and cattle.

Santa Cruz, in the kingdom of Morocco, on the confines of that of Sus, near to mount Atlas, is a small town, though at present it carries on a pretty good trade, more especially to Marseilles, where imports and exports are such as are beforementioned.

Algiers, Mr. Savery says, contains above three thousand foreign families, whom trade had drawn there, though he supposes it principally arises from the sale of the prize goods, continually bringing in by their corsairs. The country produces plenty of corn, besides the other commodities peculiar to Barbary; and their imports consist of gold and silver stuffs, damasks, draperies, spices, pewter, iron, hammered-copper, lead, quicksilver, small cordage, bullets, linens, sail-cloth, cochineal, tartar, allum, rice, sugar, soap, galls from Aleppo or Smyrna, cotton in wool and thread, copperas, aloes, woods for dying, cummin, vermilion, arsenic, gum lack, anniseeds from Malta, brimstone, opium, mastick, farsaparilla, frankincense, spike, honey, wool, paper, glass beads assorted, &c. a small quantity of these merchandizes however sell here, although the natives are always wanting them, because duties must be satisfied, recoveries are difficult, a recovery of property uncertain, and imposition very frequent. Those therefore who need any of these goods, wait till the last extremity, in hopes of some prize being brought in.

Couca is a small kingdom, subject to that of Algiers; its principal trade consists of corn, olives, oil, figs, raisins, honey, and wax; here are also some iron, allum, sheep and goats for exportation.

The Bastion of France is a small fortification built at the extremity of the kingdom of Algiers, on the side where its frontiers join with those of Tunis. The French, to whom it belongs, and from whom it received its name, have been in possession of it ever since 1561, when Soliman II. made them the concession, after a previous agreement with the divan of Algiers, and the petty princes of the country, for which they pay 39,500 French livres yearly.

La Cassa is the true port to the Bastion; and besides these, the French have Cape Rosa, Bonna, and Collo in their grant, from all which places, they annually export about fifty thousand measures of wheat, eleven or

twelve thousand of barley, five to six thousand of beans, and some other pulse, above eighty thousand skins, a little suet, about five hundred quintals of wax, and much the same quantity of wool. It is likewise here that the French have their coral fishery, of which they take from five to six hundred quintals yearly; and all these commodities are sent to Marseilles, except the pulse and grain, which the Italian markets take off, and more especially Genoa.

The Bastion has been for some years past united to the French African company (or the Cape Negro company) whose exports, from the place of their denomination, are like those from the Bastion, viz. corn, hides, wool, and wax, of which in a good year their extracts are considerable.

Between these two places of the Bastion and Cape Negro, (subject to Tunis) is the isle of Tabarque, dependant on Sardinia, but has for a long time appertained to Messieurs Lommellini of Genoa, in property, who pay a sort of tribute to Algiers and Tunis, to preserve the inhabitants in the free enjoyment of the coral fishery, and do the same to the king of Sardinia, though their island is well fortified, and free from insults. It likewise carries on a tolerable good trade on its coast in corn, hides, and wax.

Of the trade of the African coast, from Cape Verd to Cape Sierra Lione.

Cape Verd, so named from the ever-green trees that cover it, is situated between the rivers of Senegal and Gambia, which are two of the chief mouths of the Niger, a river similar to the Nile, with which (as one may say) it divides all Africa; this traversing the one half, before it falls into the ocean, as the Nile does the other half, in its progress to the Mediterranean.

The trade practised in going up these two rivers, either on the coasts of Senegal, or on those which extend from Gambia to the Cape of Sierra Lione, consists in gold dust, ivory, wax, hides, ostrich and herons feathers, musk, rice, millet, indigo, and cotton coverings for the negroes.

The Portuguese have had great settlements on all these coasts; but at present their habitations are something more inland, especially going up the river of St. Domingo (which is about thirty leagues from that of Gambia) where their residence is at Caches, the place where the African company of Lisbon have their magazines, and those they collect of the country's produce, brought down the said river (which is navigable for above two hundred leagues) being annually about 100,000 lb. of wax, 50,000 of ivory, and from 800 to 1000 negroes, which they send to the islands of St. James and the Brazils, besides those they sell to the English and Dutch, which come here yearly to seek them.

The Portuguese here carry on their commerce in barks of about forty tons burthen, with which they trade up the rivers Cazuma, Pongues, Nonnes, and even to that of Sierra Lione; the first furnishing them with their greatest quantities of wax; Pongues and Nonnes with indigo; and Sierra Lione with fruit, which they call Coffe, with which they drive a great trade; and from all these places they also get a quantity of ivory and slaves, which they truck against the aforementioned negroes clothing, brandy, iron, pewter, &c.

The English had formerly many habitations, and some forts on the river Gambia: that called St. James, belonging to their South-sea company, situated a little higher than its mouth, was taken and destroyed by the French in 1695.

The river Gambia has two openings, the one to the north and the other to the south; in which latter (being most used) ships of three or four hundred tons may enter, but cannot go up it above six or seven leagues; though vessels of a hundred and fifty tons may go up as many leagues to Majugard; and the English, with lighter barks, have often proceeded yet a hundred and fifty leagues higher, from whence they have brought back a quantity of slaves, gold, and ivory, in time of peace, to Majugard, where they had a magazine, and their fort with their principal habitation was in an isle of the river, about seven leagues from its mouth.

Cantory is a kingdom of Africa, in Negroland, on whose coasts the French have a tolerable good trade, and a fort for its security and protection. The principal traffic is in skins and hides, for which duties are paid at Bey-houta.

Calbaria is a province in Africa, where the Dutch have a considerable trade, chiefly carried on at the town of that name, their fort being there, and their traffick in slaves a good one, though the greatest part of the natives on this coast are reckoned Cannibals. The exchange for slaves is unpolished copper, or small bars of hammered brass, each weighing a pound and a quarter, and about two feet and a half long, of which fourteen or fifteen are commonly given for slaves of both sexes, and different ages, one with another; of these the natives make a sort of lattice wire, which they employ in collars and bracelets to adorn themselves; and in case any of these latter are carried ready-made from Europe, they use them there as money.

SENEGAL.

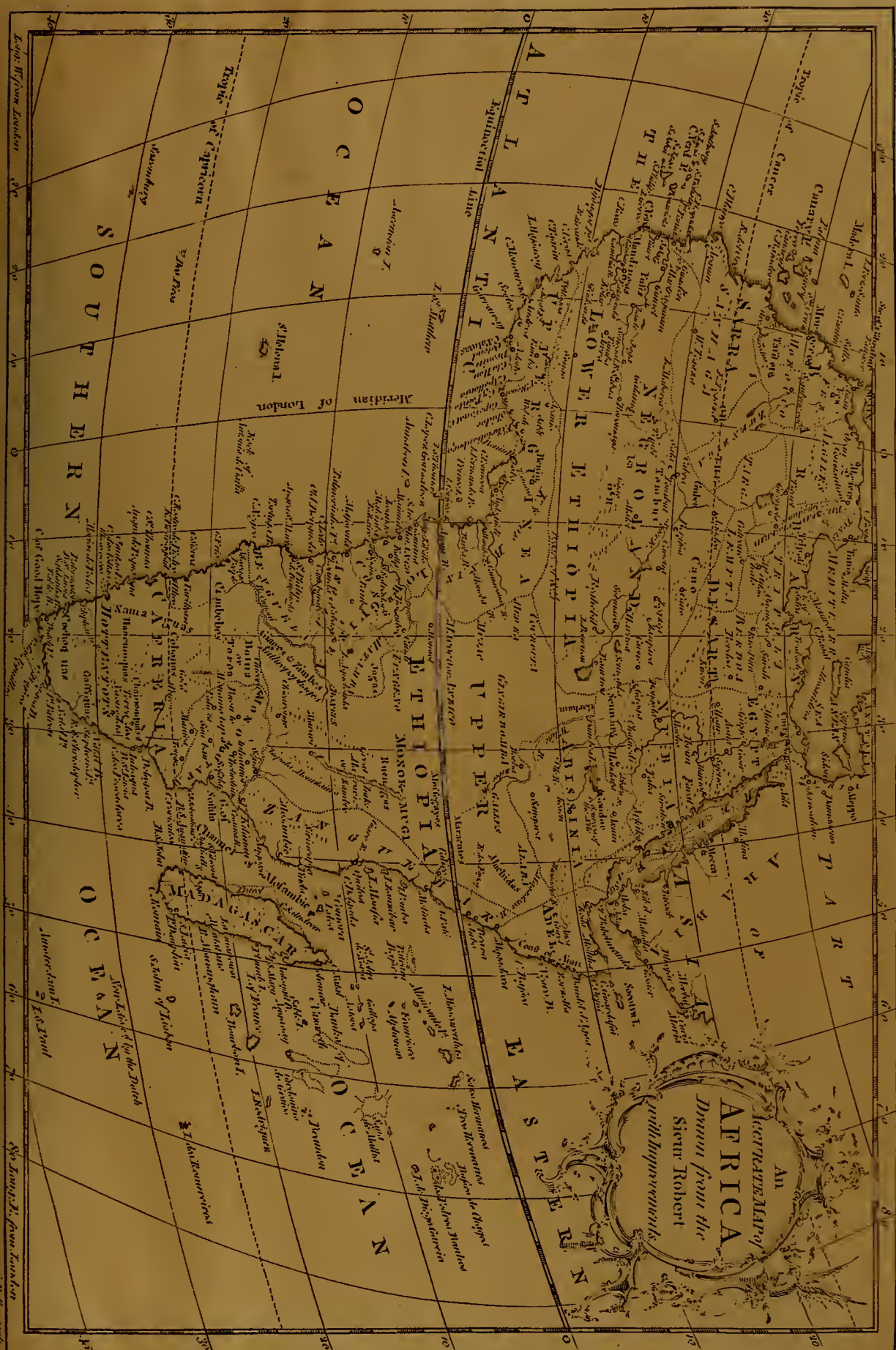
The French company of Senegal, united to that of the West in 1718, and after the year 1719 swallowed up in the great India one, had before the late war two principal establishments on this coast; the one at the isle of Goree, which was taken from them in the course of the war 1758, by Commodore, now Admiral Keppel, but restored to them by the definitive treaty of peace of Fountainbleau; and the other in the isle of St. Lewis, at the mouth of Senegal river, which was also taken the same year, but by the same peace was ceded to the English with its dependencies. The Dutch were the first who occupied the island of Goree, and built there the forts of St. Francis and St. Michael, though under their first masters they had other names. The French seized it in 1678; in 1692 the English took it from the French, who the succeeding year again repossessed it; and the Senegal company occupied it ever since, till the late war, and from hence carried on a part of their trade, of which, however, the greatest share always continued to be transacted on the coast of St. Lewis isle, and that of the river Senegal.

All that this company could negotiate, in the whole of these settlements (Senegal included) might amount in a common year to six thousand bull and ox hides, forty or fifty quintals of gum senega or arabic, from a hundred and fifty to a hundred and sixty quintals of yellow wax, seven or eight thousand pounds of elephants teeth, two thousand cotton negro vestments, twenty-five or thirty marks of gold, and fifteen thousand slaves. It also extracted some ostrich and herons feathers, ambergrace, civet, a quantity of coarse cotton cloth, blue and white striped, which were re-sold on the gold coast. The chief traffic of gum is with the Moors, who bring it on horses to a place called Terrier Rouge, at fifty leagues from the coast, going by the river of Senegal; of which the sales begin in the month of April, and last about six weeks.

Higher up on the coast is found the kingdom of the Jalofes, and that of the Ceratique; and it is to this last that the customs were paid, for the liberty to navigate and trade in the river of Senegal.

The English and Dutch have very considerable dealings with these Jalofes; and the places of their principal transactions are Camino, Jamefil, and Geroep. The months of March and April, with those of November and December, are the most convenient for this commerce.

The merchandizes proper for Senegal and Gambia are in part the same, and part different. Those for the river of Gambia, particularly for the Jalofes, with which the Dutch commonly load their vessels for this traffick, are bars of iron (twenty-eight or thirty to weigh about ten quintals) brandy, beer, copper basons of different weight, copper plates of about a pound, yarn, coarse narrow blue serges, four threaded cloths, red, yellow, and blue ratines, red, yellow, and white combed wool, white, blue, red and yellow, glass beads of various sorts, rough coral, fabres, copper trumpets, red caps, round padlocks, rock crystal, sailors knives, coarse shirts, and fine ones with lace at the bosoms and wrists, suits of cloaths





1 Hour East from London.

1 Hour West from London.

cloaths from Harleam, Silesia linens, and others both of hemp and flax, fine cotton linen, fine and common paper, earthen pots white and blue, blankets of Leyden, Irish mantles, Morocco leather shoes, hats, brown fustian, coarse white thread, glass bottles, with pewter stoppers, and all sorts of needles.

The loadings of the French ships for Senegal were in part composed of the aforesaid goods; and besides them, of black cotton linens, calendered linens of Rouen, kettles from four to ten pounds weight; some few trinkets of silver, yellow amber, pewter, little looking-glasses with painted frames, some coin, large red coral, taffeties, crimson, cherry colour, yellow and blue, though but few of them, a few cloves, sambouc wood, and the Iris of Florence, for presents to the negroe kings, as also a few ells of scarlet cloth for the same purpose.

Arms, such as musquets, musquetoons, fowling-pieces, pistols, double-barrelled guns, gun-powder, leaden balls, shot, and flints, are equally proper for Gambia and Senegal; but one of the best merchandizes, and of which the sales are the most considerable, are the Maldivian shells, called couris in India, and bouges on the coast of Afric.

All these merchandize, and some others, which will be hereafter mentioned, are equally proper for the trade of all the other African coasts, excepting the above-mentioned shells, which are only current from Cape Blanco, to and including Juda (or Xavies) on this side the river Ardres. But Angola, where the greatest purchase of negroes for America is made, does not admit these shells in trade. It is true, that the inhabitants of Congo do also make use of shells, by them called Zimbi, or Zinibi; but these are carried them only by the Portuguese, who are in a manner masters of all this great kingdom.

The commerce of the African coasts, from the Cape of Sierra Liona, to the river of Ardres.

It is from the river of Sierra Liona, that the coasts of Malaguetta begin, so called from a sort of pepper, that makes the principal trade of the Blacks of this part of Afric; the English and Portuguese share this traffick; the first having a factory conveniently established in one of the islands, and the other within land.

The merchandizes this country affords them, are rice, elephants teeth, (the best on all the coasts) civet, and a little ambergrease. The capes of Moute, and Miserado, would likewise be good places for the ivory trade, could the inhabitants be made tractable, as the river Junco (or del Punto) would, did not the sea break in such a manner, as to render anchoring there very dangerous.

The ivory coast joins to the preceding, and produces only those teeth, and a little gold for trade. Iron rings and small bells are what most pleases these Barbarians, from Europe; and the places of the greatest trade on this coast, are the Grand Drouin, situated in an isle formed by a small river; Growa, Tabou, Little Tabou, Tao, Rio Fresco, St. Andrew, Giron, Little Drouin, Bortrou, Cape la Hou, James la Hou, Wallochk, and Gammo.

The Gold Coast begins at the river Sueiro da Costas, and is about a hundred and thirty leagues long east and west. This coast is above all others of Afric the most frequented by the Europeans, and where the English, Dutch, and Danes have very considerable settlements: the great quantity of gold found, and sold on this coast, has given it its name, and its chief market-places are, Atchim, or Axime, Acara, called also Tason, Acanni, Acherva, and Fetu. That of Axime is the best, and of the standard of twenty-two or twenty-three carats. For the trade of Abasson on this coast, *see the article* ABASSON.

The kingdom of Guimere is the nearest to Cape Apollonia, and though its sea coast be very contracted, it is pretty considerable within land, and drives a great trade, either from gold mines it has itself, or with what it collects by its commerce, with those that possess them, as this metal is very common here; and the traffic in ivory and slaves is not a little. At eight leagues to the east of Cape St. Apollina, is the village which the ne-

groes call Akxen, the French Axime, and the Dutch Atchim, of which these last have been far above a hundred years masters.

After Axime, is Cape des Trois Pointes, called so from three mountains which compose it. The subjects of the king of Prussia were settled here, and had a fort, which they had obtained in 1720, and delivered up to the negroe king, master of the country, who acquainted the French therewith, and solicited their coming to settle there, with offers of an exclusive trade; but they neglecting to improve the opportunity, the Dutch took it in 1725, and continue to enjoy it. It is one of the most considerable places on the coast; the anchorage is good, the landing easy, without any bar; and the country is healthy, abundant, fertile, and well cultivated. Besides the gold trade, which is very considerable, here is a great deal of ivory, and many slaves. The Dutch have another fort called Botrou, about two leagues to the eastward of the cape; and another at six leagues to the east of Botrou, named Witsen, pretty near to Tacoravi.

Sama, or Chama, is one of the chiefest places on the Gold Coast, being near four leagues east of Tacoravi; it contains about two hundred houses, and the Portuguese had here formerly a factory, and a redoubt; but the Dutch seized both the one and the other, and carry on a considerable trade here, it being the rendezvous of all the neighbouring negroes.

The kingdom of Gnaffo, or Commendo, begins four leagues to the east of Sama. This with Fefu (or Fetu) and Sabou, made formerly but one kingdom, and was then powerful and rich, but since its division is greatly diminished. The negroes call it Commendo Ajata, and the Portuguese, Aldea de Torres, though it is yet known under the name of Little Commendo, to distinguish it from Gnaffo, which is further in land, and denominated Great Commendo. All this country is extremely fertile, and abounds in every thing necessary for life. At Little Commendo is a celebrated market kept daily, the best furnished of any one in Guinea, and perhaps in all Afric.

Although the gold trade is not so considerable here, as the places before mentioned, and at the Mine, &c. which I shall hereafter speak of; yet the French have notwithstanding made a settlement, which is of infinite service to them, for furnishing their ships with refreshments in their voyages to the East, and in their return to France.

The castle of the Mine, known by the name of St. George de la Mina, is the principal factory, and the best fortress which the Dutch have on the Gold Coast, being the residence of their director, and general commandant, and the center of their commerce, on which all their other settlements depend. The soil is infertile, and therefore the miners are obliged to the Blacks of Commendo, Fetu, and Cape Corfe, for their provisions; which last place lies about three or four leagues from the Mine, and has for some years past been the chief settlement of the English in those parts; it was the residence of the director-general of the London company, who had authority over all the settlements which this nation has in Guinea; and the fortifications are here so strong, as to have resisted the Dutch fleet, under the command of Admiral Ruyter. The village occupied by the negroes is the most considerable of the kingdom of Fetu; it is composed of more than two hundred houses, and has a diurnal market, where every thing may be had for money that a person can wish for.

By the agreement which the English and Danes made on their joint capture of this place from the Dutch, it was stipulated that the Danes should have a fortified settlement here, called by them Fredericksbourg, which is to the north-east of the village, and is commanded by the principal commissary of the Danish company, which carries on a considerable trade here.

Although the fort and village of Cape Corfe are in part dry and arid, the rest of the kingdom is very fertile and abundant, the lands are well cultivated, and the natives (who are numerous) are very laborious.

The village of Moure is a short league from Fredericksbourg, where the Dutch have a fort by the name of Nassau.

The kingdom of Fantin is extremely rich, populous, and potent; the greatest village in Cormantin, about three leagues from Moure; the English had formerly a fort here taken and retaken by the Dutch, with whom at last it remained, and they have here a good trade, as they have at Adia and Jamolia, which they have fortified. The country is rich in gold, the inhabitants laborious, lovers of trade, of which they have learned the secret and œconomy from the Dutch. *For the trade of ACKRAM or ACRON on this coast, as also of ACARA, see those articles.*

Of the trade on the coast of the kingdom of BENIN.

The Europeans trade but little in this kingdom, although it has two hundred and fifty leagues of coast, and the inhabitants are less savage than the negroes of Guinea and other parts of Afric. The merchandizes found here are cotton habits striped, according to their fashion, (afterwards sold on the Gold Coast) and others blue, proper for the trade of the river Gabou, and the coast of Angola; jasper stones, female slaves (for they will sell no men;) leopard-skins, pepper, and acori, which is a species of blue coral that grows under-water in the form and manner that other corals do. *See ACORI.* In exchange of these commodities are given gold and silver stuffs, red and scarlet cloths; red velvets, violet coloured ferrets, Harlem flowered stuffs well gummed, red glass ear-rings, looking-glasses with gilt frames; glass beads, bouges, fine coral, earthen drinking pots striped with red, all sorts of cotton thread, and linen, oranges, lemons, and other green fruits candied, brass bracelets weighing five ounces and an half, lavender, and iron bars.

The Dutch are almost the only traders with these people, and are the only among all the Europeans that have a warehouse here, which by the king's permission is established at Golou, a large village on the river of Benin; and this commerce they enjoy uninterruptedly, because the country produces neither gold, ivory, hides, gum, wax, nor slaves, as abovementioned, though the natives are much more civilized, honest, and (if the expression may be allowed) polite than any of their neighbours.

Captain Snelgrave, in his *Treatise of Guinea*, published in 1734, says, that the river Congo, in the sixth degree of southern latitude, is the most distant part that the English trade to, whose commerce here is so greatly augmented since the peace of Utrecht, that instead of thirty-three ships under those colours, that in 1712 were on the coast of Guinea; it was demonstrated to the commissioners of trade, that in 1725 there were above two hundred sail, to the great advantage of navigation and our American colonies.

Our author recounts the ruin of the kingdom of Whidaw, (Fida or Juda) of which Sabee is the capital, situated about seven leagues from the sea; and here the king had granted to the Europeans commodious houses for their factories, protecting both their goods and persons. This port was open and free to all European nations, who came here to purchase slaves; and this trade was so considerable, that the English, French, Dutch, and Portuguese exported above twenty thousand yearly from this kingdom and its neighbourhood; but the liberties which the natives enjoyed of having many women, and their abandoning themselves to luxury and pleasure, so effeminated them, that although they could bring above an hundred thousand men into the field, their cowardice was so great as to suffer two hundred enemies to drive them from their capital, and to see uninterruptedly their whole country destroyed by a nation, which they had formerly despised.

Of CONGO.

The Portuguese, who discovered this kingdom in 1484, and settled here in 1491, are the only Europeans that trade here; all other nations stopping only for refreshments, which they purchase of the Blacks, in exchange for small looking-glasses, beads, &c. The principal settlement of the Portuguese is at Loanda, the residence of the vice-roy, and, as may be said, the capital of what the Whites possess in this kingdom; the port is

vastly large, and the anchorage secure; and this is the place where all the ships arrive and sail from, either for Europe or the Brazils.

The slave-trade is the most important the Portuguese have at Congo, and the number which they send yearly to the support of their American colonies is surprizingly great. What renders this business still more advantageous and considerable, is the short cut from hence to the Brazils, compared with what all other nations have to run, when they carry these unhappy wretches to their plantations. The Portuguese seldom exceed a month or five weeks in their passage, and consequently in this short time are not exposed to such a loss by mortality among their slaves, as others are, who have a much longer voyage to make, which frequently occasions distempers that sometimes carry off the greatest part of them.

It is difficult to ascertain the number of slaves which the Portuguese residing at Loanda, Colombo, St. Salvador, and all other places in this part of Afric have in property. Those who are least rich, having fifty, an hundred, or two hundred belonging to them, and many of the most considerable, possess at least three thousand; a religious society at Loanda, have of their own twelve thousand of all nations, which being blacksmiths, joiners, turners, stone-cutters, &c. do almost all bring their masters in from four to five hundred rees per day gain, which they procure by working for the public.

Besides the Blacks, Congo produces ivory, wax, honey and civet, and has in it some mines of iron and copper, though of these no great quantity is extracted. St. Salvador is properly the rendezvous of all the Portuguese merchants; where they bring gold and silver stuffs, velvets, English cloth, gold lace, black ratine, small English carpets, copper basons, blue earthen pitchers, hats, rings, coral, fire-arms, and shells called here zimbi, or zinibis, which serve for small money; besides all which, brandy and wine find here a current and good dispatch.

Of ANGOLA.

Angola is of all the African coasts that which furnishes the Europeans with the best negroes, and commonly in the greatest number, although it scarce extends twenty-five to thirty leagues along the sea shore; it is true, this kingdom widens considerably within land, being at least an hundred and fifty leagues in length, and as much in breadth, whose capital is Loando St. Paolo.

Although the Portuguese are extremely powerful in the interior part of the kingdom; and though the majority of the negroes in the provinces they have subdued, may properly be termed the vassals of his most faithful majesty, to whom they yearly pay a tribute of slaves, yet the negroe trade, which is transacted on the coast, has always remained free to the other nations of Europe; and the English, French, and Dutch send yearly a great number of vessels, which carry off many thousands of those poor unhappy creatures, for the supply of the American settlements, or for sale in those of the Spaniards.

The Portuguese are however those which deal the most here; and it is astonishing that they have not before now depopulated the country, there being hardly any year, that they do not ship off fifteen thousand for Brazil. The villages of Cambambe, Embaco, and Massingomo, are those which furnish most slaves to the Portuguese merchants concerned in this traffic.

And the merchandize with which they pay for them, are cloth with great lists, crimson silk stuffs, linens, velvets, gold and silver lace, black serges, Turkey carpets, white and coloured threads, sewing silks, Canary wine, brandy, olive oil, sailors knives, spices, refined sugar, great hooks, pins three inches long, and others of various sizes, needles, &c.

The Portuguese have also a settlement at Binguella, a small kingdom dependant on that of Angola, where they carry on some trade; but this place is unwholesome, and fitter for the abode of criminals banished by the tribunal at Lisbon, than for the residence of persons exercising trade.

Of LOANGO, MALIMBO, and CABINDO.

The negro trade that is carried on in these three places of the Angolan coast, is not one of the least considerable that the English and Dutch are concerned in, on the shores of this part of Africa, whether for the number, goodness, or strength of the slaves, for which the Europeans prefer them to all others; or whether because the inhabitants of the American colonies always give for them a higher price, as more able to sustain the labour and fatigues of the culture and manufacturing of sugar, tobacco, indigo, and other painful works, in which it is customary to employ these miserable persons.

The merchandize proper for these parts is the same as has been already mentioned, so we shall only add a remark made by the judicious in this commerce; that as soon as the business is concluded, and the slaves aboard, not a moment should be lost in getting to sea, for fear the unhappy captives should grieve at the sight of their country, from which they are now banished.

Of the trade of the AFRICAN coasts from the CAPE OF GOOD HOPE, to the entrance of the RED SEA.

The Portuguese discovered the Cape of Good Hope in 1493; but they remained undetermined to settle here, either through a want of courage or defect of prudence, or by a reflection on the cruelty with which they treated the poor Hottentots, in revenge of their being at first not well received by them. It does not appear that from that time the Europeans made any descent there till 1600, when the ships of the Dutch East-India company began to touch here, though they did not at first comprehend all the advantage they might draw from an establishment in this country, and therefore contented themselves for some years, to anchor here, going and coming, only to buy fresh provisions; and in order to secure these from any insult till re-imbarking, they built a small fort upon the harbour, whose ruins were discernable not long ago. But on the company's ships stopping here as usual in 1650, one Mr. Van Reibeeck, then a surgeon, soon perceived by the situation and goodness of the country, of what advantage the establishment of a factory here would be to the company's trade, and on his return to Holland, he communicated his thoughts to the directors, who so far approved them, as to resolve on attempting the thing, without loss of time; and accordingly they charged him with the care of the expedition, and gave him four large ships with all materials, instruments, workmen, &c. necessary for the undertaking: they made him admiral of this little fleet, and governor of the Cape, with full power, on arrival, to treat with the natives, and to regulate every thing that he should judge would be conducive to the establishment of the intended colony, on a secure and lasting foundation. Van Reibeeck had all the success that he could possibly desire in this enterprise; as he knew so well how to ingratiate himself with the Hottentots, by the presents he made them of some hardware, he presently concluded a treaty with them, by which they granted the Dutch full liberty to settle in their country, and to trade with them as they should think proper, on payment of fifty guilders, in the same sort of merchandize as their presents were. This treaty was immediately executed with punctuality on both parties; and from that time the India company have enjoyed an uninterrupted settlement, and nothing is neglected to render it as beneficial as possible.

When I say their establishment has been without interruption, I mean from the contracting parties; for as soon as the Dutch began to cultivate their new purchased lands, and to build houses and forts, the Gumboes (who are a nation at the Cape nearest the sea) opposed themselves to this establishment, and called in all the neighbouring nations to their assistance; but the Dutch defended themselves so well, that their enemies were obliged to demand peace, which was granted them on the following conditions, viz. The first agreement was not only confirmed, but it was farther stipulated that all the lands, which the natives did not then actually occupy, should thenceforward belong to the Hollanders, with this clause only, that the natives might

settle wherever they pleased, provided it was in places that the Dutch left uncultivated. An alliance offensive and defensive was at the same time concluded, which though not down in writing (the Hottentots not understanding the use of letters,) has been hitherto religiously observed. By this treaty, the Dutch are in a manner become the masters of all this country; and the chiefs of the nations frequently come to renew the alliance with the governor, and to bring him presents of cattle, where they are always well received, and their gifts returned in tobacco, brandy, coral, and other things they are known to be fond of.

It has cost the company immense sums to put this establishment on the footing it at present is in; Mr. Kolben computes the expence of the first twenty years to have been at least a million of guilders *per annum*; and that during the time he was there, it was difficult to raise enough to defray charges. The revenues consist in the tithes of all the lands which the Europeans possess at the Cape, ground-rents, customs on all foreign wines, and those of their own growth, on tobacco, beer, brandy, and other distilled liquors, as well as on the profits made by trade, which the aforesaid Mr. Kolben reckons annually to amount to 225,000 guilders. But as the colony has always gone encreasing, and fresh lands continually been grubbing up, this establishment has become very beneficial in time.

The territories which the Dutch possess are divided into four districts, of which the first is called the Cape, because it is the nearest to the sea, and the city and fort of Good Hope are built here.

The second colony is that of Stellenbosch, so called from Stel, the name of a governor (Simon Vander Stel) under whom the establishment was made, and Bosch, which in Dutch signifies a wood, because the country was entirely covered with it, or over-run with weeds, when the Dutch took possession: this colony is separated from the first by sands, of a great extent, and divided into four parts, of which the two principal ones are, that which still retains the name of Stellenbosch, and that called Hottentot Holland, not because it resembles the province of Holland, which is much less, and very differently situated, but because it appeared to the first settlers to be the fittest for the cattle appertaining to the Indian company.

Drakenstein is the name of the third colony, which was begun settling in 1675; a great number of French protestants, having a little before fled for refuge to Holland, the company, by recommendation of the States-general, sent many with their families to this country, with orders to the governor to give them lands, and all necessaries for their culture: it is these or their descendants, which at this time compose the greatest part of the inhabitants of Drakenstein; and although they have omitted nothing that might render this settlement flourishing, and herein have been assisted by the soil, which in general is very good, yet few have obtained a sufficiency to make themselves easy, but generally speaking are poor, living from hand to mouth, and in huts like the Hottentots. This seems surprizing; but our author attributes it to the little support afforded them, as there was room to have expected more.

The country is mountainous and stony, yet nevertheless very fertile, producing almost every thing growing in the other colonies; the honey-mountains are here among others so called from the great quantity of that sweet liquid, which a meridian sun forces in drops from the cliffs of the rock, and which the Hottentots acquire at the peril of their lives. The governor Vander Stel gave this colony the name it bears, in honour of Monsieur Baron Van Rheede, lord of Drakenstein in Guelderland, who in 1685, was sent by the India company, in quality of commissary-general, to examine the state of all their factories and plantations, and to redress as he should think proper the abuses crept in there.

The last and youngest colony of the Cape is that of Waveren, which received this name from William Vanderstel, in honour of the family of Van Waveren of Amsterdam, to which he was allied. It was before called the Red Sand, on account of a mountain which separates it from the colony of Drakenstein, on the top of which,

which, and about it, is found a great quantity of this red sand. The country is naturally very fertile, but little cultivated, as the inhabitants possess nothing here in property, but are obliged to renew their leases every six months with the governor.

There is not a country in the world, according to Mr. Kolben, that feeds so great a quantity of large and small cattle, as the Cape of Good Hope, where they are cheaper, and their flesh better; an ox commonly weighs here between five and six hundred pounds, which is given for a pound of tobacco; and a sheep's tail weighs from fifteen to twenty, and sometimes thirty pounds.

As lazy as the Hottentots naturally are, they do not however neglect an application to the mechanic arts, and they are even so expert, that it is inconceivable how they should be accused of being a people the most ignorant and stupid in the world. They have furriers and tanners by profession among them, who understand preparing the skins with which they cover themselves, and the hides that they employ in divers uses, almost as well as the Europeans; artificers in ivory, who, without any other instrument than a knife, work in it with as much propriety and delicacy as the best tanners; mat-makers; rope-makers, who have the art to make cords with small rushes, that are as strong and durable as hempen ones; and blacksmiths, who very well understand to cast iron, and give it all sorts of forms, with flints only, although they hardly ever make any other use of it, than to arm their sticks, arrows, javelins, and other similar instruments. These blacksmiths work also in copper, though but a little; for all their performances herein are reduced to some toys, with which the men and women adorn themselves; and they are all in general potters, every family making their own vessels, for which they use the earth of an ant-hill, which they carefully cleanse, and afterwards knead with ant-eggs, which makes an admirable cement, and gives to the matter a jet black, which it never loses. It is hereby seen, that they neither want invention nor dexterity, and that if they were less slothful, they would in the mechanic arts soon equal all the other Africans.

Of SOFALA and MONOMOTAPA.

The kingdom of Sofala is rich in gold mines and ivory, and these two precious commodities attract foreigners, and maintain commerce. The Arabians are supposed by some, and the fleets of Solomon and Hiram king of Tyre by others, to have been the first traders to these parts.

The Portuguese settled here towards the end of the fifteenth century, and in 1500 even obtained permission to build a fort pretty near the capital, for the habitation of their factors carrying on their chief trade here, for which it was commodiously situated on the Quama's shore, where they had their warehouse for European merchandize sent them from Mosambique.

The richest mines of the kingdom are those of Sofala, from which there is yearly extracted (if the negroes may be credited) more than two millions of mericals, which at fourteen livres Tournois (as Mr. Savary computes them) make twenty-eight millions of livres: these riches are divided between the Portuguese (who are the only Europeans that trade to this kingdom) the Arabians (more especially those of Ziden and Mecca) and the Mahometans of Quilloa, Monbafé, and Melinda. These latter come in small barks, which they call Zambucks, and bring blue and white cottons, silks, ambergrease, and fuccinum, or yellow and red amber variously carved.

The commerce of the Arabians may import above 140,000 l. sterling *per annum*, in exchanging divers sorts of goods they bring from the East-Indies, and the Red Sea, against gold and ivory.

In regard to the Portuguese trade, it is carried on by those of this nation settled at Mosambique, who send here the products of Europe, proper for this market, on which they make so vast a profit, that the governor's duties only amount yearly to between 60 and 70,000 l. sterling, *extra* of the Portuguese troops pay, which comes out of this trade, and besides the tribute annual-

ly sent to the king of Portugal, which is very considerable.

The smallest share of these merchandizes are, however, consumed in this kingdom, the rest passes to Monomotapa, where the Sofalese truck them against gold, which is given them unweighed; (these people never using scale) and making, as one may say, an arbitrary traffic, dependant on the caprice of the buyer and seller.

The kingdom of Monomotapa being within land, and none of its provinces near the sea, strangers, and more especially the Europeans, carry on no direct trade with it; it is true, the Portuguese have some settlements here, but religion has been a greater motive to their origin than trade; so that all the gold, ivory, and ostrich-feathers (which are the principal commodities that this vast tract of Africa furnishes to commerce) pass, as before observed, through the hands of the Sofalese. The gold of Monomotapa is of two sorts, the one from the mines, and the other found in the gravel of the rivers; and from both the quantity collected annually is found so great, and the merchants of Sofala have so rich a business here in truck for Asiatic and European goods (which come from the Arabians and Portuguese) that these latter commonly call the prince to whom Monomotapa is subject, the golden emperor.

Of MOSAMBIQUE.

The Portuguese are the only Europeans, who have any establishment, or carry on any trade in the kingdom of Mosambique; the Arabians, however, share with them, although the former use all possible means to hinder their progress, and secure it entirely to themselves. The Portuguese habitations along the coast are considerable, and all defended by good fortifications, or at least, by strong houses, which serve for magazines and a security against the natives, who are equally perfidious and lazy; but the center of their commerce in these parts is the isle of Mosambique, about two miles from the continent, in which they have a commodious town, well fortified, which is the common residence of the governor-general, and that of the richest merchants.

This isle and its port are to the Portuguese India shipping, what Madagascar formerly was to the French, and what St. Helena and the Cape of Good Hope are at present to the English and Dutch, *viz.* a place for depositing goods, and affording refreshments.

The Dutch twice attempted to make themselves masters of the commerce of Mosambique, in the beginning of the seventeenth century; the first in 1604, and the second in 1607; but the Portuguese, then united with the Spaniards, made so brave a defence, that the Dutch fleets were obliged to return half ruined, though with a rich booty they found in several Portuguese caracks which they took.

The trade carried on here consists of gold and silver, ebony, (of which their forests are full) ivory (found here in greater abundance than in any part of Africa) slaves taken in war, mats, and all sorts of refreshments; and the merchandize given in exchange, are wine, oil, silk, woollen and cotton-stuffs, coral, wrought and unwrought.

When the European goods arrive at Mosambique in the Portuguese ships, they are taxed at a certain price by the king's factor, who afterwards sends them to Chilimani, at the mouth of the Senna, from whence they go up the river in small barks, to a little Portuguese town seated at the height of the Senna, where the Caffres and Blacks come from the inland kingdoms and provinces of Afric, sometimes at three or four months travel distance, to buy or take on credit the Portuguese goods, for a quantity of gold agreed on, and which they never fail to bring faithfully.

This traffick generally yields cent. per cent. and is properly the Chili and Peru of the Portuguese; gold being so common here, that at a month's journey from the coast, the utensils of the house and kitchen are customarily made of it.

The commerce of this coast, which is the last kingdom from the Cape of Good Hope, to the entrance of the Red Sea, where the European ships anchor to trade, is almost entirely in the hands of the Portuguese, who have a great settlement in the capital, and have even had the credit of building seventeen churches here, although the king is a Mahometan. The natives, however, carry on some trade with their own vessels, in the Red Sea, and with them frequent the best ports in Arabia.

They are also sometimes seen in the Indian sea, particularly at Cambaya, a maritime town in the territories of the Great Mogul; but with all this, and though the Indians and Arabians sometimes bring them goods to Melinda, it is properly by the hands of the Portuguese that all this trade is transacted, which is but little less considerable than that of Mosambique.

The gold brought from Sofala, the ivory, copper, quicksilver, all sorts of silks and cottons of Europe and the Indies, various printed linens, especially Cambayan handkerchiefs, spicery, rice, and other pulse and fruits, are the principal commodities brought to Melinda.

AFSLAGERS, a name given at Amsterdam to those appointed by the burghmasters for presiding at public sales in that city. They are much in the nature of our auctioneers, and are accompanied with a clerk to keep an account of what is sold. They are also frequently called *Vendu Meester* or *Salesmen*.

AFTER-MATH, in husbandry, signifies the second grass, or that which springs up after mowing.

AGALLOCOM, wood of aloes of the shops. C B. This wood is brought from the East-Indies, and is one of the species of the aloes-wood, sold by the druggists. It is odoriferous, variegated with different colours, and acrimonious to the taste. Its substance being very compact, makes it hard to burn; but when it catches fire, abundance of sap runs from it, which is believed among the French to be a sovereign remedy for the diseases of the heart, so that it is reckoned by them among the best cardiacs. Its bark is so thin and pliable, that it may rather be called a skin. See **ALOES**.

AGARIC, the fungus of the larch-tree. This fungus is an irregular, spongy substance, extremely light, very friable, and of a snowy whiteness, except the cortical part, which is of a brownish colour, and is usually taken off before the *agaric* is brought to the shops. The best sort is that just now described; but there is an inferior kind of a bad colour, full of red fibres or veins, and which upon cutting proves hard and gritty. *Agaric* upon first tasting is sweetish, but soon proves bitter, acrid, and very nauseous. M. Boulduc *Mem.* of the French R. Acad. of Sciences for the year 1714, obtained from this drug, by means of spirit of wine, a tincture of an extremely disagreeable and nauseous taste; one drop of which being put on the tongue occasioned vomiting, and left behind it a distrelish for all kind of food, &c. for a whole day. Two ounces of *agaric* yielded to spirit six drams and a half of a resinous extract; but on treating it with water, no solid extract was obtained. This drug was formerly of great esteem in medicine; but the present practice has almost rejected its use, on account of the manifest inconveniencies which attend its exhibition. Nevertheless, M. Boulduc says, that an extract of it, made with water acuated with salt of tartar, is an effectual and safe purge.

The different sorts of funguses growing on other trees, may be also reputed to many kinds of *agaric*, and in regard to these some very useful discoveries of their properties have been made within these few years by the French Academicians. (See their *Memoirs for the year 1762*.) M. Montet, of the Royal Society of Sciences at Montpellier, observed, in a journey he took to the mountains of Esperou and Algoual, that all the funguses of the species of those that are called *fungus maximus pedis equini speciei*, which grow on the birch-trees these mountains abound with, grew principally on the trunks of those trees that had been cut down, and which the wood-fellers leave sometimes standing to the height of four or five feet; he observed also that they only grew on such of those trunks as be-

gan to rot, and, if any were found upon intire and live trees, it was never but upon some part of the tree that was already perished. The inhabitants of Esperou assured him that, before perceiving those champignons on the trunks of the dead tree, they saw a great quantity of water flow from them. The internal part of these funguses serves for making tinder, and is also used in preparing that matter which stops blood, according to M. Brossard; so that it is not true that the champignons which grow on oak are the only which should be used for this purpose. M. Montet employed successfully those that grow on birch; and perhaps also those that grow on other sorts of wood are equally proper. But, if any of these cannot be had, this useful remedy may be still procured from the powder contained in the lycoperdon, or puff-ball, a kind of wild champignon, according to M. de la Fosse's observations, which had been verified in presence of persons deputed from the Academy to examine into its effects. The result of M. de la Fosse's experiments was, that the application of this powder, without any ligature, stopped in a few minutes the blood of the largest arteries of a horse, which had been cut designedly; and the animals used for these experiments, having been killed a few days after, it appeared upon dissection, that there was formed at the end of each cut artery, a stopple adhering to the substance even of the artery, and capable of resisting the efforts of the blood, though they might be more considerable than usual. The application of this remedy will be a fortunate resource in cases, wherein the opening of arteries might occasion a dangerous bleeding.

AGATE, a precious stone, takes its name from a river of Sicily, called *Achates*, where it was first found. It is various not only in colours, but in the very images of things, which it represents, not done by the hand of the painter, but by nature herself. For the veins and spots run in and out, and intermingle in such a manner, that sometimes you see the figure of a dove, and then it is called *Phaëachates*: sometimes that of a horn, whence it is named *Kerachates*; sometimes a tree appears, or perhaps two, or more, like a little wood, which gives it the title of *Dendrachates*. In others of these stones you see the resemblances of chariots, rivers, several sorts of birds, and cattle, and men amongst the rest. Pyrrhus, king of Epyrus, had an *agate*, in which were represented the Nine Muses, and Apollo holding his harp, not the work of art, but drawn by nature, the spots, according to Pliny, being so happily interspersed, that each of the nine had her proper symbol. India abounds with this sort of *agate*. They are of a black, dark, or ash-colour, or like that of coral, or the skin of a hyena, lion, or panther: the latter they call *pardalion*, the other *leontion*, and *leontideiran*. These colours, especially the first, are sometimes striped with veins of white, and then the stone is called *leucachates*; sometimes with those of a blood colour, and then it is named *haimachates*; or with red, like the sarda or cornelian stone, and then it is termed a *sardachates*.

The *agate* is used in making cups, rings, seals, handles for knives and forks, hilts for swords and hangers, beads to pray with, smelling-boxes, patch-boxes, snuff-boxes, salt-fellars, little mortars, and abundance of toys. It is also used for the construction of some tabernacles in Romish countries to contain the host, and of cabinets and tables inlaid with other precious stones; being itself a kind of stone that is cut, sawed, polished, and carved, with no great difficulty. Much of it is brought from Strasburgh entirely manufactured; but this kind is far from being so hard, or of so fine a polish, as the right oriental.

The ancient river Achates in Sicily, near which were found the first quarries of these precious stones, is not one of the least sources of the riches of that country.

The lapidaries pretend that the *agates* of the Indies are finer than those of Sicily. "I own, says F. Labat, that one may meet with some that are finer than others, and also, that, to make them the dearer, the dealers never fail to pretend that they come from remote parts. It is their common rule; though one part of the same piece may be much finer than another. Their prudent avidity does not permit them to say that they are of the same country,

the same quarry, the same block; but in order to sell them dearer, they make them come from the East-Indies; and, if you are desired to observe the difference between two parts, or pieces, they are far from telling you that they are of the same block; they make them grow 1000 leagues from each other, in order to enhance excessively the price of those to which nature has given most variety and beauty. In former times people set more value upon them than they do at present. Whether the cost has deterred the curious, or these stones are no longer in fashion, as they once were, it is certain that so many of them are not used as formerly. I have seen cases of considerable magnitude and extraordinary workmanship, in some cabinets and repositories of churches, in which the shades and variety of colours had been so dexterously managed, that the pencil could not have succeeded better. *Voyage de l'Italie du P. Labat, tom. v. p. 156.*

The mountain of Tſugaar, at the northern extremity of the great province of Osju in Japan, produces agates of different kinds, some extraordinary fine, of a bluish colour, like sapphire.

AGATE is also a term used by the gold wire-drawers, for an instrument which they use in burnishing gold; it is so called from the *agate-stone* in the middle of it, that forms its principal part. See GOLD WIRE-DRAWERS.

AGE, in common acceptation signifies a man's life, from his birth to any certain time, or the day of his death: it also hath relation to that part of time wherein men live; but in the law it is particularly used for those special times which enable persons of both sexes to do certain acts, which before through want of years and judgment they are prohibited to do. As for example; a man at twelve years of *age* ought to take the oath of allegiance to the king: at fourteen, which is his *age* of discretion, he may consent to marriage, and may chuse his guardian; and at twenty-one, he may alien his lands, goods, and chattels: a woman at nine years of *age* is dowable; at twelve she may consent to marriage; at fourteen she is at years of discretion, and may chuse a guardian; and at twenty-one she may alienate her lands, &c. 1 *Inst.* 78. There are several other *ages* mentioned in our ancient books, relating to aid of the lord, wardship, &c. now of no use. *Co. Lit.* 78. The *age* of twenty-one is the full *age* of man or woman; which enables them to contract and manage for themselves, in respect to their estates; until which time they cannot act with security to those who deal with them; for their acts are in most cases either void or voidable. *Perk.* But a person under twenty-one may contract for necessities suitable to his quality, and it shall bind him; also one under *age* may be executor of a will. 1 *Inst.* 171. And at fourteen years of *age* a person may dispose of goods and personal estate by will; though not lands, 'till the *age* of twenty-one. It hath been adjudged, that if one be born on the first of February at eleven o'clock at night, and the last of January in the one-and-twentieth year at one o'clock in the morning, he makes his will of lands, &c. and dies; yet such will is good, for he was of *age*. *Mod. Caf.* 260. A person under the *age* of twenty-one may make a purchase; but at his full *age* he may agree or disagree to it. 1 *Inst.* 2. So where persons marry, the man under *age* of fourteen, or the woman within twelve, they may disagree to the marriage at those *ages*: and the law is the same in other cases. Persons under the *age* of fourteen, are not generally punishable for crimes: but if they do any trespass, they must answer for the damage. 1 *Inst.* 247. 2 *Roll. Abr.* 547. Fourteen is the *age* by law to be a witness; and in some cases a person of nine years of *age* hath been allowed to give evidence. 2 *Hawk.* 434. None may be a member of parliament under the *age* of twenty-one years; and no man can be ordained priest till twenty-four; nor be a bishop till thirty years of *age*. By statute *Westm.* 1. 13 *Ed. I.* c. 47. *age* shall not delay the demandant in a writ of entry upon disseisin in the *Per.* By statute *Glouc.* 6 *Ed. I.* c. 2. Nonage of the plaintiff shall not delay the taking an inquest in *mort d'ancestor*. *Age* shall not be allowed the vouchee in *Cui in vita*, by stat. *Westm.* 2. 13 *Ed. I.* c. 40. The full *age* of a man or woman to alien, demise, let, contract, &c. by the civil law, is 25 years; for then the Romans allowed

men to have *plenam maturitatem*, and the Lombards at eighteen years. *Co. Lit.* 78 b.

By the law of Scotland, a woman cannot *contrahere sponsalia* before her *age* of seven years. 1 *Roll.* 342. By the common law of England, persons may marry at any *age*: and upon such marriage the wife shall be endowed, if she attain the *age* of nine years of whatsoever *age* her husband be; but not before the *age* of nine years. *Co. Lit.* 33. a. And if the husband alien his land, and afterwards his wife attain the *age* of nine years, she shall be endowed of the land sold before: and if there be a writ to the bishop to certify, whether they were ever coupled in lawful matrimony, he ought to certify that they were, of what *age* soever the husband be. *Co. Lit.* 33. a. *Resolved Dyer* 369. a.

By the law of Scotland, and the civil as well as the common law, the *age* of consent to marriage of the man is the *age* of fourteen years. 1 *Roll.* 342. By the law of Scotland it is at the *age* of fourteen years. 1 *Roll.* 342.

If at the time of the marriage the husband be above fourteen, and the wife under twelve, when she attains the *age* of twelve years, the husband may disagree as well as the wife, and so *vice versa*. *Co. Lit.* 79.

A disagreement to the marriage, before the *age* of consent, is of no force; for if the husband disagree before fourteen, and marry another, the issue of the second marriage are bastards. 1 *Roll.* 341. *Contra Dyer* 13. a. in *Marg.* If after the consent, the husband or wife disagree by parol, yet cohabit as husband and wife, this amounts to an agreement. 1 *Roll.* 341.

AGE PRIER, is when an action being brought against a person under *age* for lands which he hath by descent, he by petition or motion shews the matter to the court, and prays that the action may stay till his full *age*, which the court generally agrees to. *Termes de la loy.*

But as a purchaser, a minor shall not have *age prier*, nor in a writ of assize, because it is of his own wrong, and this writ shall not be delayed; nor in a writ of dower; nor in a writ of partition, stat. 3 *Ed. I.* 38 *Ed. III.* *Hob.* 342. In a writ of debt against an heir, he shall have his *age*, for at full *age* he may plead *riens per descent*, or a release to his ancestor, and be discharged. *Danv. Abr.* 259.

AGE of a horse. This is known from his teeth, hoof, coat, tail, and ears.

The first year he has only small grinders and gatherers, of a brightish colour, which are called foal's teeth, viz. two above, and two below, and they appear browner and bigger than the rest. The third year he changes the teeth next these, leaving no apparent foal's teeth before, but two above, and two below, on each side, which are all bright and small. The fourth year he changes the teeth next these, and leaves no more foal's teeth before, but one above and one below on each side. The fifth year his foremost teeth are all changed, and the tushes on each side are complete; and those which succeed the last foal's teeth are hollow, with a small black speck in the middle, which is called the mark in a horse's mouth, and continues 'till he is eight years old. The sixth year there appear new tushes, near which is visible some young flesh, at the bottom of the tush; the tushes being white, small, short, and sharp. The seventh year his teeth are at their full growth, and the mark in his mouth appears very plain. At eight all his teeth are full, plain, and smooth, and the black mark but just discernable; the tushes looking more yellow than ordinary. The ninth his foremost teeth shew longer, broader, yellower, and fouler than before, the mark quite disappearing, and the tushes bluntish. At ten no holes are felt on the inside of the upper tushes, which, 'till then, are easily felt. At eleven, his teeth are very long, yellow, black, and foul, and stand directly opposite each other. At twelve the teeth of his upper jaw hang over those of his under. At thirteen his tushes are worn almost close to his chaps, if he had been much ridden; otherwise they will be long, black, and foul.

2. With regard to the hoof. If it be smooth, moist, hollow, and well-sounding, it is a sign of youth; but if, on the contrary, it be rugged, and, as it were, covered with seams one above another, and withal dry, foul, and crusty, it is a sign of old age.

3. If a joint about the stern of the tail, near the but-

tock,

tock, be felt to flick out more than the rest by the bigness of a nut, you may conclude him under ten, but if the joints are all smooth, he may be fifteen.

4. If the eyes are round, full, and, as it were, starting from his head; having no pits over them, but smooth and even with his temples, and free from wrinkles, both under and above, it is a certain mark of youth.

5. If the skin be taken up in any part between the finger and thumb, and, being let go, returns suddenly to its place, and remains without wrinkles, he may be judged to be young.

We may also judge of a horse's *age*, by looking on his palate; for if he is old, the roof of his mouth is lean and dry towards the middle, and those ridges, which, in young horses, are pretty high and plump, diminish as they encrease in *age*; so that in very old horses, the roof of the mouth is nothing but skin and bone. This last is a very necessary remark, especially in mares, which seldom have any tusks to discover their *age* by.

AGE of a hart, in hunting, is judged of by the furniture of his head. At a year old, there is nothing to be seen but bunches. At two, the horns appear more perfectly, but straiter and smaller. At three, they grow into two spurs; at four into three, and so encrease yearly in branches, till they are six years old; after which their *age* is not certainly to be known by their head.

AGENCY-Business comprehends any sort of business which is undertaken on the behalf, or on the account of other persons. To act in this capacity requires suitable natural and acquired talents and abilities; and, in particular, a good knowledge of men and the world.

To be well qualified for such kind of business requires a faculty and expertness. Such an one should not only have the expeditious, mechanical use of his pen, but should be master of a plain, strong, intelligent stile, in order to communicate his intentions with perspicuity. He should, in public business too, be as ready with his tongue as his pen.

In order to transact business to the best advantage of his principal, he should be a man of method, and be capable of digesting and representing the state of a case, in the clearest and most beneficial light, the more effectually to obtain his point. And to be a man of figures and accounts is as essentially necessary as any thing else; more especially, if he is any way concerned in matters of trade and money-affairs. In a word, a person who undertakes any branch of *agency-business*, ought to be one of a good general education, a genteel, affable, and communicative disposition, and to have nothing of the pedant about him.

AGENDA (*things to be done*) so merchants call a pocket or memorandum-book, in which they set down all the business they are to transact during the day, either at home or abroad.

The *agenda* is very necessary to merchants, particularly to those who have bad memories and much business, it being but too common, for want of such a remembrancer, to let slip good opportunities in trade, either of buying or selling, or negotiating bills of exchange. It ought particularly to be a constant pocket memento to factors, and agents for others, to avoid omissions prejudicial to the interests of their principals.

AGENDA is also a name by which many merchants and traders call a little *pocket-almanack*, which they carry about them for ascertaining the dates of their dispatches, bills, meetings, and the like.

AGENOIS, a province of France, bounded by Condomois on the south, Quercy on the east, Perigord on the north, and Bazadois on the west, is the most fruitful country of all Guienne, is watered by some navigable rivers, and produces a great deal of corn, wine, oil, hemp, and tobacco, with which it furnishes other provinces. Its chief places are,

AGEN, its capital, where tanned leather and the manufacture of stockings afford a pretty good trade. Its woollen trade likewise is very considerable, especially in goods brought hither from other places. These several sorts of merchandizes are carried to the fairs of Bourdeaux. The other principal articles of its trade are the wines, which grow in its neighbourhood, and brandy made from them. *Clerac*, or *Clairac* in this province,

is inhabited by rich merchants, who carry on a considerable trade in corn, wine, and brandy.

AGENT, is said of him who is commissioned to take care of the business of a corporation or some private person. In this sense, *agent* is of the same import as deputy, procurator, attorney, syndic, factor, broker. Among the officers of the Exchequer, there are four *agents* for taxes and imposts. There are also *agents* to the several regiments of the army, and *agent* victuallers for the navy. By 13 and 14 Car. II. c. 11. sect. 10. one of the bills of every entry inwards and outwards must, in order to prevent the colouring of strangers goods, be subscribed by the merchant, his own servant, factor or *agent*, with the mark, number, and contents of every parcel of such goods, as are rated to pay by the piece or measure, and the weight of the parcel of the whole of such goods as are rated to pay by the weight: and by 2 and 3 Ann. c. 9. sect. 14. The oaths of the merchants importing and exporting, required to obtain the drawback, of foreign goods, affirming the truth of the officers certificate of the entry and due payment of the duties, may be made by the *agent* or husband of any corporation or company, or by the known servant of any merchant, usually employed in making his entries, and paying his customs.

AGENT, as a term of negotiation, signifies a person in the service of a prince or a republic, who super-intends the business of his master to have it expedited. These *agents* have no credentials, but only a recommendation; neither is audience given to them as to envoys and residents; but they must apply to a secretary of state, or such other minister charged with some department. They do not likewise enjoy the privileges which the law of nations allows to ambassadors, envoys, and residents.

AGENTS of Bank and Exchange, are officers established in the trading towns of France for transacting between bankers, merchants, and others, the business of exchange, and the purchase and sale of merchandizes and other effects. At Paris and Lyons they are called *agens de change*; in Provence *consuls*; elsewhere they are called *courtiers*.

There were no regular *agents* or brokers in France till they were created by Charles IX. Since his reign they underwent many revolutions, sometimes suppressed and sometimes re-instated in office, till the last regulation made in regard to them by an arrêt of council of the 24th September, 1724. There are at present sixty *agents* of exchange at Paris, constituting a corporation that elects the syndics. They no longer assume the quality of courtiers (brokers) but that of *agents* of exchange, and this since the arrêt of council of 1639; and by the edict of 1705, they have also the title of king's counsellors. They are allowed one fourth *per cent.* of which the half is payable by him who pays his money, and the other by him who receives it, or gives value in bills of exchange or other effects. In negotiating paper, on which there is a great loss, as for instance, in contracts, on the *hôtel de ville*, or guildhall, &c. of which the buyer pays but the half of the whole sum set forth in the contract, upon account of the variation of the currency of these effects, the *agent* takes his fee on the paper, that is, on the sum it was formerly worth, and not on the money paid him, according to the currency of the place. In towns where the *agents* are not established in title of office, they are chosen by the consuls, mayor, and aldermen, who swear them. The *agents* of exchange cannot be bankers.

AGENTS of exchange of the city of Amsterdam. The city of Amsterdam is one of those which carry on the greatest trade in the world; either with regard to the large sums of money which its merchants and bankers remit to all foreign countries, either for their own account or by commission, or with regard to the almost infinite quantity of merchandizes, with which its warehouses are stocked, and which are continually imported or exported, by the trade they carry on to the very extremities of the earth.

To render that immense circulation of commerce the easier, there are in that famous city two sorts of brokers, or *agents* for exchange and merchandize. They are called *makelaers* in Dutch. Some of them are sworn brokers, and others itinerant, or ambulatory brokers.

The sworn brokers are such by way of office, as it were, and, being chosen by the magistrates, are sworn before them. Of these there are reckoned to be 375 Christians,

and 20 Jews; and, when there happens a vacancy among them, it is supplied by the burgomaster, whose turn it is to take care of the trade of the city for six months.

The itinerant brokers are those, who without having any patent or commission from the magistrates, and without being sworn before them, perform the functions of *agents* and brokers, and act in negotiations, either for drafts and remittances of money, or for buying and selling merchandizes. Their number is greater than that of the sworn *makelaers*, or brokers; so that, taking them both together, there are above a thousand persons employed in brokerage, most of whom are overloaded with business and negotiations. The only difference there is between these two sorts of *agents* and brokers of exchange and merchandize is, that the sworn-brokers are admitted to give evidence before courts of justice, in case any dispute happens with regard to their negotiation; whereas the itinerant brokers are not admitted to give evidence, and, in case of objection by one of the parties, bargains are rendered null and void.

The brokerage fees of *agents* and brokers of the bank and exchange are paid equally by those who give their money, and by those who receive it, or who furnish bills of exchange, unless they agree to the contrary.

Those brokerage fees have been regulated for Amsterdam, by the ordinances of January 1613, and of the 22d of November, 1624, at the rate of 18 *stivers* for 100 *livres de gros*, which amount to 600 guilders, or florins; that is, three *stivers* for every 100 guilders, to be paid, one half by the drawer, and the other half by him who gives his money. That the reader may the easier understand this subject of the brokerage of Amsterdam, and of the fees paid to *agents* and brokers, we shall add here the following table.

A TABLE of the brokerage fees, paid at Amsterdam, at the rate of 18 *stivers* for every 100 *livres de gros*.

For 100 <i>livres de gros</i> .	0 fl. 18 s.
For 1000 florins, or guilders	1 10
For 1000 crowns, which are reckoned as } 3000 florins	4 10
For 100 l. sterling, reckoned at 1000 florins	1 10
For 1000 daelders, or 1666 $\frac{2}{3}$ florins	2 10
For 1000 rix-dollars upon Leipzig and Breslaw	3 10
For 1000 ducats	5 00
For 1000 cruzadoes	2 10
For 1000 florins bank money, against current money	1 00
For an action of 1000 <i>livres de gros</i> of the } East-India company	6 00

Brokerage fees paid to exchange-brokers in several cities of Europe.

At London $\frac{1}{4}$ for every 100 l. sterling, which makes $\frac{1}{2}$ for each of the parties.

At Venice $\frac{2}{3}$ per 1000.

At Genoa $\frac{1}{2}$ of a crown for 1000 crowns.

At Bologna one sol for 100 crowns.

At Geneva $\frac{1}{3}$ for 1000.

AGENTS for proprietors of money, in the bank of Amsterdam, how they must be appointed. All those who have any thing to write in bank, are obliged to carry their notes themselves, in the same manner as those who have accounts are, to go and demand the balance; or if they will save themselves the trouble, they must empower one of their counting-house to act for them, which will authorize their doing the one and the other; this procuration costs thirty-two *stivers*, which is paid for down, and must be renewed at the end of a year and six weeks; and if it should happen, that one is obliged to make a pretty long voyage, and has given an authenticated procuration to his wife, or some other person, to make all sorts of payments, without having left a proportionable number of bank notes, signed in blank, to the sums he imagines he may have to pay during his voyage, if the person to whom he has given the said power, signs the bank notes without having the letter of attorney registered there, none of them will pass; and in this case, the person so authorized must carry and leave an authentic copy of his power at the Bank, and that he signs all the notes with his name, adding, by

procuracion of such a one; and the noting the said power costs fifty *stivers*, which is paid out of hand.

The time of writing in bank is from seven or eight in the morning to eleven, but after eleven to three, every note carried in will cost six *stivers*, and after three none are admitted.

When a man who has an account with the bank is ill, and unable to sign his draughts, or to go there to sign a power, the person who transacts his affairs ought to inform the bank of his disorder, and incapacity to attend there, for either of these purposes, though he is desirous of paying what he owes; in which case a declaration drawn out by a notary, and signed by the physician and one or two of his nearest neighbours or relations, should be carried to the Bank, which on receipt of it, sends a servant to see in what condition the sick person is, and if he finds him really as is declared, his *agent* is authorized to sign the draught, in the same manner as if he had signed the letter of attorney at the bank; but if the infirm is in a condition to sign, he that is empowered may request the book-keeper to draw out a procuracion for that purpose, and to send it with him to be signed, which they do, accompanied by a servant of the bank, who carries the book of procuracions with him to the sick man, who signs that drawn out for him in the book, in the presence of the bearer; and from the time that a power is thus executed, he that is made to sign and carry the notes to the Bank, although he has not yet got the extract of the power, which oftentimes is not delivered in eight or ten days; but when once the Bank has delivered it, he is obliged always to shew it when he carries a draught there, or demands a balance; if the sick man dies after executing the power, and before it is delivered to him in whose favour it is made, it will not be delivered to him at all, because the person being dead, his procuracion is of no effect.

When any one who has an account in the Bank is dead (after having made a will) his heirs, or the guardians he has appointed, must carry to the Bank an authenticated copy of the said will, paying fifty *stivers* down for noting it; at the same time they desire to know the balance of the deceased's accounts, to see whether that of his books correspond with the Bank, and they may have the said balance transported to a fresh account, either in the name of the widow, heirs, their guardians, the executors, without its costing them the ten guilders, which is always paid for opening a new one.

But if one who keeps cash at the Bank dies intestate, those who pretend to be his heirs, or meddle with the succession, must first be authorized by the proper judges, and bring a copy of their sentence to the Bank, before they will be permitted to dispose of the deceased's balance.

AGENT and patient, is the doer of a thing, and the party to whom done: as where a woman endows herself of the best part of her husband's possessions, this being the sole act of herself to herself, makes her agent and patient. Also if a man be indebted to another, and afterwards he makes the creditor his executor, and dies, the executor may retain so much of the goods of the deceased as will satisfy his debt; and by this retainer is agent and patient, that is, the party to whom the debt is due, and the person that pays the same. But a man shall not be judge in his own cause, *quia iniquum est aliquem suæ rei esse judicem*. 8 Rep. 138. Corvel.

AGGOUED-BUND, is the best of the six sorts of silk, gathered in the grand mogul's dominions.

AGIO, a bank-term. (It is a Venetian word, which signifies aid or assistance.) In most of the trading cities, where there are public banks established, the word *agio* expresses the exchanges or difference there is between money, bank money, and current money, or cash. So that if a merchant, who sells his merchandize stipulated to be paid, either 100 *livres* bank money, or 105 cash, or current money, in such a case the *agio* is said to be 5 per cent.

The bank *agio* varies in almost every place; at Rome it is near 25 per 1500; at Venice 20 per cent. fixed; at Genoa from 15 to 16 per cent.; at Amsterdam the *agio* has been always fluctuating ever since the Bank's establishment, though not in so great a degree of late years as formerly; in the year 1693, it was up to 12 and 13 per cent. on account of the bad schillings of six *stivers*, which were

were reduced to five and a half; and at the beginning of the month of April, in that year, after the diminution, it returned to two and a half, and as high as six *per cent.* it afterwards fell and rose till the year 1703, when it was down to one and a half, and two *per cent.* but since then, it has got up again, and commonly passes now from four to five *per cent.*

AGIOS at Venice, and the difference between bank and current money. There are two *agios*, the one constant and fixed of 20 *per cent.* called the bank *agio*; the other fluctuating like that of Amsterdam, and is from 120 to 128, which is called the *sopragio*, because it is calculated on the bank money, after the first *agio* is added.

As for Example,

Ducats 2000 Banco at the *sopragio* of 128
 $\frac{1}{3}$ 400 Banco *agio* of 20 *per cent.*

2400	
20 480	}
4 96	
4 96	

sopragio of 128

Ducats 3072 current

128 100 3072 to 2400 from which deducting $\frac{1}{3}$ for the bank *agio* of 120 $\frac{1}{3}$ 400

Ducats 2000 Banco.

But however the *sopragio* vary, be it 121 more or less, such sum of ducats current will be reduced to ducats 83 $\frac{1}{3}$ Banco.

From hence it appears that by making 83 $\frac{1}{3}$, the middle term, or by multiplying the current ducats 83 $\frac{1}{3}$, and dividing by the *sopragio*, the amount in bank will be given 128 83 $\frac{1}{3}$ 3072 ducats 2000 Banco

83 $\frac{1}{3}$
9216
24576
1024
256000
2000

AGIO is also used to express the profit which arises from money advanced for a person; so that, in this sense, the words *agio* and advance are synonymous; they are used among merchants and traders, to signify that it is not an interest, but a profit for money advanced in trade. That profit is usually reckoned at one half *per cent.* for a month, that is to say, the rate of six *per cent.* *per annum.*

Some likewise give the name of *agio* of insurance, in France, to what others call *premium* in England.

AGIOTAGE, a French word, hardly ever used but in a bad sense: it signifies commonly an unlawful and usurious trade.

AGIOTER is used by the French, to signify the lending money at high interest, and carrying on an usurious traffic in notes, bonds, government securities, and other such like papers; of which the debts and incumbrances of the state consist.

AGIOTEUR, a term established among the French merchants, traders, bankers, and other people in business, signifying a person who puts out his money to high interest, by taking from the public bills, promissory notes, assignments, or bonds, and other such papers, at a very low price, to sell them out again at a very high one. *Agoteurs* are looked upon, in France, as public nuisances, and professed usurers, who under a good government should be exemplarily punished.

AGITO, called also **GIRO**, is a small weight used in the kingdom of Pegu: two agito's make a half biza, and the biza weighs a hundred teccalis, that is, two pounds five ounces heavy weight, or three pounds nine ounces, light weight, of Venice.

AGNUS CASTUS, called also **VITEX**, the chaste tree, with narrow hemp-like leaves and seeds like pepper.

C. B. It was formerly in great request, particularly for allaying venereal heats, and preserving chastity; but it is very rarely used at present.

AGNUS DEI, a piece of white wax in a flat oval form, like a small cake, stamped with the figure of a lamb, and consecrated by the pope. By statute 13 *Eliz.* c. 2. *agnus dei*, crosses, &c. are not permitted to be brought into this kingdom, on pain of a *præmunire*.

AGNUS SCYTHICUS. This is the wonderful plant, or kind of intermediate body, supposed to partake both of the nature of an animal and a vegetable, so much celebrated by Scaliger, Kircher, Sigismond, Hefberetein, Hayton Armenian, Surlus, Lord Chancellor Bacon, Fortunius Licetus, Andrew Lebarus, Eusebius of Nuremberg, Adam Olearius, Olaus Wormius, and a number of other botanists. It is described by them as perfectly resembling a lamb by the feet, nails, ears, and head; and it only wants horns, in the place of which there is a tuft of hair. It is covered with a thin skin, of which the Tartars make bonnets. They also say that its pulp or pith resembles the flesh of a lobster, that blood issues by making an incision into it, and that its taste is exceeding sweet.

It would be scarce possible, after so many authorities that attest the existence of the *agnus Scythicus*, and after the detail of Scaliger, who only wanted to know how the feet were formed, to believe that the lamb of Tartary was a fable. Kempfer, who was not less versed in Natural History than in medicine, had travelled into Tartary; but his most diligent enquiries concerning this lamb, were quite fruitless, having indeed, he says, acquired nothing more by them, than the shame of being too credulous. He adds, that what may have given room to this apocryphal account, is the use made in Tartary of the skin of certain lambs, whose dams are killed before their yearning time, in order to procure wool of a finer quality. Cloaks, gowns, and turbans are edged or bordered with those lamb-skins; and travellers, either deceived in regard to the nature of these skins by their ignorance of the country language, or from some other cause, have afterwards imposed on their country-folks, by describing to them as the skin of a plant, the skin of an animal.

Sir Hans Sloane says, that the *agnus Scythicus* is a root upwards of a foot long with tuberosities, from the extremities of which some stalks proceed between three and four inches in length, and pretty much like those of the fern, and that a great part of the surface is covered with a dark yellowish down, glossy like silk, a quarter of an inch long, and that it is used for the spitting of blood. He adds, that several fern-plants are found in Jamaica, which grow to the thickness of a tree, and are covered with a kind of down, like that which is observed on our capillary plants; and furthermore, it seems, that art has been used to give them the figure of a lamb, for the roots resemble the body, and the stalks the legs of that animal.

Here then is all the marvellous of the Scythian lamb reduced to nothing, or at least to very little, to a shaggy root, which is made to receive something of the resemblance of a lamb, by fashioning it into such a figure.

AGRA, capital of the Mogul's empire and the center of its trade, is situated in twenty-eight degrees, on this side the line, on the river Gemini, or Gemma, which falls into the Ganges. The number of its meidans, where the public markets are kept for all sorts of provisions; of its covered bazards, where each merchant and artificer have their shops and quarters, of which some are half a quarter of a league long; and that of its caravanferas (above eighty in number) suffice to demonstrate both the greatness of its extent, and the importance of the commerce carried on here by foreigners and its inhabitants, which is maintained by several caravans from Amadabath, Surat, and other places, commonly composed of four or five hundred camels, and by which conveyance, the English, French, Dutch, Moors, Turks, Arabians, Persians, and other nations, send their merchandizes to, and receive others from this capital, as may suit their business.

Besides the indigo of this city (which is the best in the world) a large quantity of silk stuffs and linens are exported;

ported; these latter principally to the west and north; and it is here, that all the merchandize of Bouten and Tartary are bought, and where the merchants of the interior parts of Indostan also come.

Great Britain once had a factory here, but the long distance to Surat, and the hazards and difficulties they underwent in passing thither, made them withdraw it, though they continue to trade here.

The Dutch, who have still a factory in this city, trade chiefly in scarlet, looking-glasses, silver, gold, and white lace, hardware, indigo, cloth of Jelapour, and spices. They have houses at several other towns, to which they send factors once a year; and have always some persons near the court, to prevent being imposed on by the covetous, tyrannical vice-roys and governors near their other settlements.

The charges on merchandize bought at Agra, for Surat, amount from 15 to 20 *per cent.* including the remitting of bills of exchange at 5 *per cent.* packing up, carriage, and the duties or toll for the roads, according to their several qualities.

It must also be observed, that, in all the dominions of the Grand Mogul, the penalty for defrauding the custom-house of the duties of importation, or exportation, is not the forfeiting of the merchandize, but only paying double the duty, when the fraud is discovered.

The indigo that is cultivated and prepared in the dominions of the Grand Mogul, particularly that of Agra, is always 20 *per cent.* dearer than that of the other parts of the East-Indies: it is in round cakes or balls.

As there are three sorts of indigo; namely, that of the first leaves, that of the second, and that of the third, the Indians endeavour to sell the one for the other, though that of the second leaves is worth 12 *per cent.* less than that of the first, and the last 20 *per cent.* less than the second.

The imposition may be discovered by the colour, and by breaking some bits of the paste; that of the first leaves being of a bluish purple, more shining and bright than the two others, and the second sort of a deeper colour than the first.

Another method they have of deceiving in the sale of indigo is this: when it is reduced into a paste, they dry it upon sand, some of which always sticks to it, and increases its weight; or when it is dry, they keep the paste in a damp place. The adulteration made by sand mixed with it, may be known by putting the indigo into the fire; the indigo will be consumed, and there will remain nothing but the sand.

AGRA, an odoriferous wood, that comes from the isle of Hayman, in China. Three sorts are distinguished of different value; but we are told nothing concerning the nature of this wood, nor of the plant that produces it. The finest sort is said to be bought at Hayman, at the rate of eighty taels the foot, and is sold at Canton for ninety.

AGRA-CARAMBA, another odoriferous sort of wood, which comes likewise from Hayman, but of which we have as little information as of the *agra*. It is said that it costs sixty taels the cati, and is sold at Canton for eighty, that it is purgative, and that it is much in request among the Japanese.

AGRAHALID, a plant of Egypt and Ethiopia called by Ray, *Lycio affinis Aegyptiaca*. It is according to Lémery, a tree as large as the wild pear-tree, with few branches, thorny, and resembling the lycium. Its leaf is little different from that of box, except being larger, and not so thick-set. Its flowers but few, are white, like those of the hyacinth, but smaller. They are succeeded by small black fruit, of a styptic bitter taste. The leaves, which are subacid and astringent, yield a decoction that kills worms.

AGREAGE, the traders at Bourdeaux so call what is elsewhere called *courtage*, (brokerage.)

AGREEMENT, is the consent of two or more persons concurring, the one in parting with, and the other in receiving some property, right, or benefit. The notion of contracting or entering into *agreements* arose from the increase of commerce, and the necessity men were under of bartering their superfluities for things of real use, and which lay out of the way of their acquiring. That men

should execute their *agreements*, and perform their promises, though made without writing or consideration, is enjoined by the law of nature; but in civil societies, and in ours in particular, circumstances are required which protect the weak, and those who are under the power of others; also provision is made against fraud and circumvention, and that no man should be injured in his property by the turn of any unwary expression. 1 *New. Abr.* 67.

Though a contract executed with all the solemnity required by law, may properly be called an *agreement*; yet, in the more common acceptation of the word, articles, minutes, and escrow, &c. containing something preparatory to a more solemn and formal execution, are called *agreements*. 1 *New. Abr.* 67.

A person *non compos* is not capable of entering into any *agreement*, for an *agreement* is an act of the understanding, which they are incapable of; and therefore they are to be under the care of their curators or guardians, by a commission from the public. 1 *New. Abr.* 67.

Also an infant, for the same reason, is generally incapable of contracting.

A wife, during the intermarriage, is incapable of entering into any *agreement in pais*, being under power of her husband.

The ancestor seized in fee may, by his *agreement*, bind his heir; therefore if A agrees to sell lands, and receives part of the purchase money, but dies before a conveyance is executed, and a bill is brought against the heir, he will be decreed to convey, and the money shall go to the executor, especially if there are more debts due than the testator's personal estate is sufficient to pay. 2 *Vern.* 215. *Abr. Eq.* 265.

So if a father conveys to a younger son, by a defective conveyance, and dies, the heir at law in two cases shall be compelled to make it good. 1. Where there is a covenant for further assurance, binding the heir, because the heir is bound by the covenant. 2. Where there is a provision made by the father in his life-time for the heir, or he hath such a provision by descent from the father, 1 *New. Abr.* 68.

In many cases the party injured by breach of an *agreement*, may have a remedy either by action at common-law, or have recourse to a court of equity; but here a general rule must be observed, that wherever the matter of the bill is merely in damages, there the remedy is at law, because the damages cannot be ascertained by the conscience of the chancellor, and therefore must be settled by a jury. See *Abr. Eq.* 16.

But if there be matter of fraud mixt with the damages; as if A sues B on a covenant at law for damages, and B files a bill for an injunction, upon this equitable suggestion, that the covenant was obtained by fraud, if A files his cross bill for relief upon that covenant, the court will retain it, because the validity of the covenant is disputed in that court, and on a head properly cognizable there; and therefore, if the validity of the deed be established, the court will direct an issue for the *quantum* of the damages. *Abr. Eq.* 17. 1 *Chan. Rep.* 158.

So where the *agreement* is to do something in specie, as to convey lands, execute a deed, &c. there it will be proper to apply to a court of equity for a specific execution, to which the party is entitled, if the *agreement* be good and sufficiently proved, when otherwise he could only recover damages at law. 1 *Chan. Ca.* 42.

The plaintiff assigned some shares of the excise to the defendant, who thereupon covenanted to save him harmless, and to stand in his place touching all payments to the king; the plaintiff being sued by the king, brought his bill to have the *agreement* performed in specie; and although it was insisted that the plaintiff might recover damages at law, and that this was not a covenant for any thing certain, and by this means a master in chancery was to tax damages instead of a jury; yet it was decreed that the defendant should perform his covenant; and it was directed to a master, that, as often as any breach should happen, he should report it specially, that the court, if occasion should be, might direct a trial in a *quantum damnificat*. 1 *Vern.* 189. 2 *Chan. Ca.* 146.

So if a jointress brings her bill to have an account of the real and personal estate of her late husband, and to have a satisfaction thereout for a defect of value of her jointure-lands, which he had covenanted to be and to continue of such value; and the defendant insists, that this is a covenant which founds only in damages, and properly determinable at law; though it be admitted that a court of equity cannot regularly assess damages; yet in this case, a master in chancery may properly enquire into the value and defect of the lands, and report it to the court, which may decree such defect to be made good, or send it to be tried at law, upon a *quantum damnis*. *Abr. Eq.* 18.

The condition of a bond was to settle certain lands in such a manor, by such a day; the obligor died before the day; so that the bond was saved at law, yet the court decreed a specific execution. *Abr. Eq.* 18.

But here it must be observed, that *agreements*, out of which an equity can be raised for a decree in specie, ought to be obtained with all imaginable fairness, and without any mixture tending to surprize or circumvention; and that they be not unreasonable in themselves. *Abr. Eq.* 17.

As where by marriage agreement the son's intended wife was to have more than would have been left for the father (though indebted) his wife and two daughters unpreferred; the court would not decree it, principally, by reason of the extremity of it, but left the party to his remedy at law. *2 Chan. Ca.* 17.

So where A articulated for the purchase of B's estate, pretending he bought for one whom B was willing to oblige, and thereby got it somewhat cheaper, when in truth he bought it for another, equity would not decree an execution of this agreement. *1 Vern.* 227.

But as these cases, and all others on this head, depend so much upon circumstances, and are to stand or fall according to the degrees of fraud and circumvention attending them, and proved in the cause, or by what appears unreasonable on the face of them, I shall only observe that a court of equity will much easier be prevailed on to dismiss a bill which prays a specific execution of an unreasonable agreement, than set aside an agreement, though not strictly fair, on a bill for that purpose; for this deprives the party of what he had a right to by law; and that where such agreements are set aside, it must be on refunding what was *bona fide* paid, making allowance for improvement, &c. *1 New. Abr.* 70. *3 Chan. Ca.* 136. *1 Vern.* 271. *2 Vern.* 15, 27.

As men have a property in their acquisitions, so may they dispose of them at their pleasure, and without valuable consideration; but if a man promises to convey lands, or to give goods without valuable consideration, or without delivering possession of them, this alters no property, nor has the party any remedy in law or equity, being *nudum pactum unde non oritur actio*.

But if it be done by deed duly executed, under seal, this is good in law, though there be no consideration or no delivery of possession; because a man is estopped to deny his own deed, or affirm any thing contrary to his manifest solemnity of contracting. *Yelv.* 196. *Cro. Jac.* 270. *1 Brownl.* 111. *6 Co.* 18. b.

Also in equity, voluntary conveyances are good against the parties, and cannot be revoked, nor will the court interpose in behalf of one volunteer against another; but if they affect creditors, purchasers, or younger children, the court will set them aside. *1 Chan. Rep.* 173. *1 Vern.* 100, 464.

If there be a defective conveyance, without an equitable consideration, a court of equity will not oblige the party to make it good, though there be a covenant for further assurances; as if a man makes a feoffment to a stranger without livery, the feoffor or heir shall not be obliged to make good that feoffment, but it shall be construed in equity to be an estate at will, as it is in law. *2 Vent.* 365. *2 Vern.* 40. *2 Vern.* 475.

If an annuity is granted by one to his house-keeper, with a bond for payment of it, and the bond is lost, equity will decree payment of the annuity; for service is a consideration, and no *turpis contractus* shall be presumed, unless proved. *Abr. Eq.* 24.

If one is bound to transfer 300 l. East-India stock before such a time, which he neglects to do, and stock is much risen, he shall be obliged to transfer the stock in specie, and account for all dividends from the time that it ought to have been transferred. *2 Vern.* 394. See *Prec. in Chan.* 533.

If a creditor agrees with a debtor to take less than his debt, so that it be paid precisely at such a day, and the creditor fails of payment, he cannot be relieved, *for cuius est dare ejus est disponere*. *Vern.* 210. *1 Chan. Ca.* 110.

If money be lent on mortgage at 5 per cent. and the mortgager covenants to pay 6 per cent, if he made default for the space of sixty days after the time of payment, if he makes default, the court will not relieve, this being the agreement of the parties. *2 Vern.* 134.

If a lessee, for a long term of years, covenants to lay out 200 l. upon the premises, within the first ten years, and lays out but 30 l. and after the expiration of thirty years of the lease, the lessor brings an action of covenant, and recovers 150 l. damages, equity will neither relieve against the damage, nor decree the money to be now laid out in improvements; for though the damages seem excessive, yet the jury were proper judges; for it is probable the lessee would not be so careful in laying it out in lasting improvements, as he would be were it laid out at first. *1 Vern.* 316.

AGRICULTURE, the art of tilling and cultivating the earth, in order to render it fertile, and make it bear plants, trees, fruits, &c.

The principal operations in *agriculture* are manuring, plowing, fallowing, sowing, harrowing, reaping, mowing, &c. And to these belong the management of the productions of particular places and countries; as hops, hemp, vines, tobacco, saffron, liquorice, woad, &c. To the same art belong also planting, transplanting, pruning, engraving; the culture of forests, timber, coppices, &c. But *agriculture* in general consists either in feeding or tillage, whereby are raised store of cattle, corn, and fruits, proper for food and traffic.

To begin with feeding: and here might be enumerated the various sorts of cattle raised and bred by the care of the husbandman; but the most essential with respect to our trade are, 1. The cattle for beef; which, besides the excellency of its flesh for nourishment, affords many necessities for our trade, and is extremely serviceable in tillage: with this we both nourish our inhabitants at home, victual our ships for foreign voyages, and load them with the several manufactures it supplies us with: from the milk we make butter and cheese; from the skin, leather; from the fat, tallow; and of the horns, several useful necessities: the overplus whereof, above our own consumption, we export, and sell in foreign markets.

2. The sheep; whose golden fleece, being the basis of our woollen manufactures, employs multitudes of our people; and the wool, being of different lengths and fineness, makes them of various sorts; whereby those animals afford us a yearly crop, whilst living; and, at their deaths, we have their flesh and their skins for variety of uses.

3. Horses, whose labour is so necessary, that we can neither carry on our husbandry or trade without them: add to this their fitness for war, being esteemed the most courageous in the whole world, and for these uses they are also transported abroad, as a trafficable commodity: but their flesh is of no use, their skins little; the leather made of them being very ordinary, only the longest of their hairs is used in weaving hats for the ladies, and some sorts in periwigs for the men.

There are sundry other sorts of beasts, some whereof require no care in raising, others little; such as the stag, the deer, the rabbit, the hare, the badger, the goat, and divers others, whose skins are necessary for our trade, and useful in our manufactures.

Tillage is that whereby we raise our corn, by turning up and manuring the land; the several sorts of corn are wheat, rye, barley, pease, beans, vetches, oats, &c. all which not only afford nourishment to ourselves, and the beasts we use in labour, but serve for considerable articles in our commerce; as they give employment to our people at home, and are transported abroad, according to the surplus

surplus of our domestic consumption, and the want of our neighbours, besides the large quantities expended in our navigation.

These products are all clear profit to the nation, being raised from earth and labour: but their principal benefit to the community arises from their exportation by our merchants, either in their own kinds, or when wrought up, the remainder, which is spent at home, tending rather to supply our wants than to advance our wealth; which exports being, more or less, according to the price they bear in other countries, and these arising from the proportion their lands hold with ours in their yearly rents, are not so great in specie as when wrought up. Butter simply is the chief wherewith we supply several foreign markets; and did formerly more, till by making it bad, and using scandalous arts to encase its weight, England lost most of that trade, and is beaten out of it by Ireland, which every year makes theirs better: besides, they undersell England in the price, as they do also in beef, occasioned by the lower rents of their lands.

It was the act of prohibition made formerly in England, that first introduced them into a foreign traffic, their sole dependence before that time being on the English markets, and from hence they were supplied with what they stood in need of; but, being thereby prohibited from bringing their cattle, and other provisions to England, they endeavoured to find a vent for them in other markets, which they did with good success, and to more advantage: the sweetness whereof gave a spring to their industry, and put them on the woollen manufactures, which they vend also where they exported their provisions; till, in time, it became so great and flourishing as to give us apprehension it would endanger ours.

As for corn, foreign markets are frequently supplied therewith, both from thence, and from the islands of the Azores, cheaper than the rents of our lands will admit; but the British plantations have some dependence on England for our product; and, as the lands of Ireland rise in their yearly value, they will have more. We also raise, by agriculture, considerable quantities of hemp and flax, both which are useful in our trade.

Among the several trees that adorn our fields, the oak, the elm, and the ash are the chief; these not only serve for the buildings of our ships and houses, but also furnish us with materials wherewith our artificers make great variety of things fit for our commerce: and it were to be wished, that better care was taken to preserve our timber, for the benefit of posterity.

This gives us a short idea of the effects of husbandry, which is apparently the original source of most of our treasures; the due cultivation of the earth being the great fountain of all materials for trade, and the arts of commerce render them the more valuable to their proprietors.

It is certain, therefore, that it will ever be good policy to ease the land, in order to promote trade; and to encourage the trading interest, in order to promote the landed.

Every object of traffic requisite to the sustenance of life being produced by the earth, the more our lands in general shall be improved and cultivated, and the greater plenty we shall have of vegetables and cattle of every kind, the more populous will the nation be in useful hands, and the more comfortably and happily will the people subsist. As those productions augment, so will the general consumption; the greater plenty, the cheaper will every thing be, whereby trade will flourish, and money also grow proportionably plentiful in general circulation; and in such case, less money will purchase every thing in proportion as the plenty of land productions shall reduce the produce, with respect to the demand.

By the general improvement of the old, and cultivation of fresh lands to a degree requisite to render things in general cheap and plentiful, such plenty will soon be so magnified, as to reduce the price of the necessaries of life to one half, if not one third of what it is at present. This likewise will reduce the general price of labour, that being regulated by the price of the necessaries of life. Will not this make all our fabrics and manufactures

cheaper as well among ourselves as foreigners, since their value is constituted according to the rate, at which artificers and manufacturers can subsist? Will not this naturally extend our exportations, not only amongst our present foreign customers, but attract new ones, who at present are incapable of purchasing our commodities, by reason of their excessive dearth? Will not this prevent our competitors in foreign commerce, who are now studiously promoting every art of agriculture, to rival and supplant us in that which is the great support of the whole British empire?

In countries where the land cultivated does not afford an ample competency of its productions to make the whole plentiful, and therefore cheap, will not the people in general be inevitably distressed and miserable? Can any chains restrain their transmigration, from country to country, till, with some degree of consolation, they shall be able to sustain the perpetual state of labour? Where this policy is disregarded, will it not tend to depopulation; where regarded, have the contrary effect?

If the rents of lands shall be raised above what the quantity of circulating money will enable tenants to pay, will not the money of a nation grow scarcer and scarcer? Where there is not a quantity of land effectually cultivated to reduce the rents, in proportion to the money, will not the scarcity of money at length grow so great, as to leave little in the kingdom? For where the rents are kept up beyond the proportion of money to pay them, will not every thing rise in its price and value, commerce grow worse and worse, its general balance turn more to the disadvantage of the dearer nation, and at length the nation become stripped of its money as well as its people?

Did not the demand for farms in greater proportion than they were to be had, first raise their rents? Did not this deter people from increasing the cultivation of fresh land, as the demand shews they would, as they increased in number? What could the surplus people do, but strike into trades and professions? Whilst the necessaries, the price of labour, rents of lands and manufactures have advanced amongst us, have not those engaged in trade and professions found it also difficult to live? Will not more and more be daily undone, if the monstrous dearth of things continues as it does? Can the gentleman flatter himself with escaping a proportionate injury with the rest of the people? If money becomes scarcer and scarcer, will not monopolizers, forestallers, and regraters, multiply to enhance still more and more the prices of provisions, since the produce of the earth at a cheap rate will not bring sufficient support to the farmer, and pay all charges to which he is liable? Does not this increase, instead of lessen, the evil?

To increase money, to keep up the payment of rents, can it otherwise be effected than by the increase of such foreign commerce as will bring us in an increased balance? but how can this be expected, except by a decrease in the price of our commodities, which only will or can encourage and enable foreign states and empires to buy them? Can this be effectually done, till the price of rents is reduced in proportion to the quantity of money? This cannot be accomplished, till a due quantity of waste land is taken into cultivation. This measure will make farms abound, the only natural way to lower rents in general.

Nor does it appear that gentlemen would be sufferers by lowering of rents, by such means. Let it be supposed, that all our lands shall be raised 20 per cent. per annum; now if that land cultivated will bear no more corn, grass, nor cattle, &c. than it does at present, must not the corn and cattle be advanced in proportion? Will not the necessaries of life cost the labourer more, and his wages be raised accordingly? All things would certainly be raised, if money could be found to circulate trade at such an advance; and since gentlemen as well as the labourer would buy every thing at such an advanced price, how could they be advantaged by receiving 20 per cent. per annum more, and paying the same, or more, for what they stood in need of?

If it should be said, that although this might be the case with regard to their expence, yet it would not be so to their savings, they will be deceived. Supposed

pose a gentlemen of 1000*l. per annum.* now spends 500*l.* and lays by 500*l. per annum*; if estates were raised 20 *per cent.* as supposed, he would then spend 600*l.* and lay by 600*l. per annum.* But how would he be the richer, since the price of every thing is raised at least in the like proportion? The necessities of life will cost the labourer more, and his wages must be raised accordingly. Timber for carriages, and other uses, will cost more to fell and hew; horses to draw the produce of the earth will be more expensive, and consequently carriage, and every manufacture, will cost more. All things in general will certainly be raised, while money can be found to circulate trade at such an advance; and as gentlemen themselves, as well as others, would buy every thing at such a raised price, how would they be benefited by receiving 20 *per cent. per annum* more, and paying that at least for all they wanted?

The purchase of estates being governed by the interest of money, will be valued at as many years as if rents had not fallen; and though the sum for which they sell will be annually less, as the rent shall be lowered; yet the money will have, at least, all the same effect, apply the same as you please. If the lands were raised 20 *per cent. per annum*, this would not make them produce more, but perhaps less, than they now do, by putting it out of the farmer's power, in some degree, to use so much skill and expence in cultivation as before rents were so raised: and as this advance of rent would not tend to encrease the produce, all the produce must be sold, not only for all the twenty pounds more, but there must be profits likewise on all those twenty pounds, to enable the farmers to purchase whatever they wanted at the higher prices, to which every thing will be enhanced from the general rise of things, as it passed through every hand, comprehending the manufacturing part also; this still would proportionably encrease the profits on the first raised prime costs, before they reached the consumer; and must not he in the end, not only pay the advanced twenty pounds rent, but the enhanced profits arising thereon, through all the several hands it passed? And since labour, which adds the greatest value to every thing, will in this case be enhanced too, it is apparent, that the same quantity of produce must be dearer by all the first advanced twenty pounds rent, and by suitable profits to all the several hands through which things pass, together with a greater charge of labour thereon. Whence it is evident, that if the same quantity of produce must thus cost a great deal more than all the twenty pounds rent, by which it was enhanced, the several parts thereof must cost more likewise in such proportion; so that we may not scruple to assert, that 140*l.* could not in this case purchase more than 100*l.* did before the rise; whereby gentlemen, who are consumers in common with others, would become poorer for raising their estates; and therefore it should consequently seem manifest that they would be the richer for lowering their estates 20 or 30 *per cent. per annum*, by a due encrease in the cultivation of more land, since it must be no less certain that 70*l.* or 80*l.* would purchase more in this case than 100*l.* does at present, because it is evident that 120*l.* in the other case would not purchase so much as 100*l.* doth now. So that if rents should fall 30 *per cent* by a larger land cultivation, every thing would certainly fall in the same proportion, whereby gentlemen would lose nothing but the nominal sound of so much *per annum*.

This obvious reasoning evinces why gentlemen cannot live so well and hospitably on the same estates as their ancestors did, who had considerably less nominal income than their successors. If therefore gentlemen find themselves frightened by raising rents, above what the circulating money amongst them will enable them to pay; must not this encrease the freights and difficulties of the people on whom such heavy rents are raised, and account for their arrears and badness of payments?

AGRIMONY, or *Eupatorium* of the Greeks. This genus of plants is placed by Dr. Tournefort in the ninth section of his sixth class, intitled, "Herbs with a rose-flower, whose cup changes to a dry fruit."

The common *agrimony* is well known by all the herb-folks. It grows wild upon banks near woods and hedges

in most parts of England, and is there gathered and brought to the markets.

The virtues of the common *agrimony* have been fully set forth by all the writers on the *Materia Medica*. The whole plant has been recommended for use. A distilled water of the leaves and flowers of the plant has been long established as a shop-medicine; and a syrup made of the juice of the plant, is by some greatly recommended in diseases arising from the weakness of the liver. The qualities ascribed to this plant are; it warms, dries, cleanses, binds, and strengthens; it is also esteemed as a good vulnerary herb.

The sweet *agrimony* makes a very pleasant tea; and if a little of the round-leaved sorrel, or of the common wood sorrel is added to it, these will make a pleasant, wholesome drink, for those who have a thirst; as I can, from long experience, myself certify. *Miller*.

AJAN, a coast and country of Africa; has the river Quilmanci on the south; the mountains from which that river springs on the west; Abyssinia, or Ethiopia, and the freight of Babelmandel on the north; and the Eastern, or Indian Ocean on the east. Going from south to north, along the coast, we find the republic of Brava, the kingdom of Magadoxo, and that of Adel, and some other more westward within the land. The coast abounds with all necessities of life, and has plenty of very good horses. The kings of Ajan are often at war with the emperor of the Abyssins, and all the prisoners they take they sell to the merchants of Cambaya, those of Aden, and other Arabs, who come to trade in their harbours, and give them in exchange coloured cloths, glass beads, raisins, and dates; for which they also take back, beside slaves, gold and ivory. The whole sea-coast, from Zanguebar to the freight of Babelmandel, is called the coast of Ajan; and a considerable part of it is stiled the Desert-coast. Its kingdoms, or provinces, are as follow:

1. *Brava*, the capital of a republic of the same name, is situate between two arms of the river Quilmanci, where it has a pretty good harbour. It is a pretty large city, and is inhabited by merchants, who trade in gold, silver, silks, stuffs, &c. and pay an annual tribute to the Portuguese. There is a great deal of ambergrease on the coast of Brava.

2. *Magadoxo*, or *Madogaxo*, has the kingdom of Adel on the north; the kingdom of Alaba on the west; the territories of Brava on the north; and the Eastern Ocean on the east. This country abounds with barley, and other fruit, and feeds great numbers of horses and other cattle.

To the capital city Magadoxo a great many merchants of Cambaya and Aden bring stuffs, drugs, and spices, which they exchange for gold, ivory, and wax.

3. *Adel* has Magadoxo on the south; part of the Eastern Ocean, and that part of the coast of Ajan which is called the Desert-coast on the east; the freights of Babelmandel on the north; and the Galles, with the kingdoms of Dancari and Balli, on the west.

The town of Zeila, seated in a gulph to the south-east of the mouth of the freight of Babelmandel, is extremely populous. The soil about Zeila is nothing but a dry, barren sand, and they are obliged to fetch fresh water two days journey from the city: but, at that distance, the country abounds with corn and fruit to such a degree, that the inhabitants cannot use it all, and the Arabs of Aden, and other neighbouring countries, come and make their provisions here. The country abounds also with cattle; besides which, they have also here gold, ivory, frankincense, pepper, and great numbers of slaves, whom they buy, or steal, in Abyssinia, all which they exchange with the merchants of Arabia and Cambaya for cloth, amber, necklaces, glass beads, raisins, dates, &c. The inhabitants of Quiloa, Melinda, Mombasa, and other parts, come and buy horses at Bar-bora, another sea-port town on this coast.

4. *Dancali*, *Dancale*, or *Dangale*, lies to the west of the Red-Sea, to the east and south of Abyssinia, and to the north of Balli and Fatagar. It has a sea-port town called Bailar. Here is a place called the Land of Salt, because it contains mines, out of which they dig vast quantities of salt, which is carried into other coun-

tries on camels, and affords a considerable trade. The soil here is almost every where barren, and produces no corn at all.

AID is the same with the French *aide*, and is generally understood to be a subsidy granted to the crown. By the ancient law of the land, the king and any lord of the realm might lay an *aid* upon their tenants, for knighting an eldest son, or marriage of a daughter; but this was taken away by the statute. 12 *Car. 2. c. 24.* This imposition, which was levied in former times, seems to have defended to us from Normandy, or rather from the feudal law. *Grand. Custom. c. 35.* It is said to differ from tax in signification; for taxes were anciently levied at the will of the lord, upon any occasion whatsoever, but *aids* could not be levied but where it was lawful and customary so to do; as to make the eldest son a knight, marry the eldest daughter, or redeem the lord from prison. By statute 34 *Ed. 1. c. 1.* it is ordained that the king shall levy no *aid* or tax without his parliament. *Corwel.*

AIDERBEITZAN, or as the Persians call it *Azerbeian*, or *Asapaican*, a province in Persia, borders on the east to the province of Ghilan and Tabristan; to the south on Persian Irak; to the west and north west upon Upper Armenia and the river Aras; and to the north, on Schirwan. The soil of this province is fruitful, and the climate healthy, though cold. It contains,

1. *Tauris*, a very large and potent city, being the second in Persia, for dignity, grandeur, riches, trade, and number of inhabitants. The city contains 15,000 houses, and as many shops; for the houses in Persia are not in the same place with their shops, which stand for the most part in long and arched streets forty or fifty feet high, which streets are called bazars, or markets, and make the heart of the city; the houses being in the out-parts, and having almost all gardens belonging to them.

These at Tauris are the finest bazars that are in any place of Asia; and it is a lovely sight to behold their vast extent, their largeness, their beautiful cupolas, and the arches over them, the number of people that are there all day long, and the vast quantity of merchandizes with which they are filled. The grandest of all, and where they sell their jewels and wares of greatest value, is octangular, and very spacious, being called *kaiserie*, or the royal market-place. Their other public buildings are no less sumptuous, nor less populous. The houses where they sell tobacco, coffee, and strong liquors, are answerable to the beauty of the rest. The inhabitants of this city amount to about 550,000 souls, though several persons there say there are no less than 1,100,000. The number of strangers also, which are there at all times, is very great; these resorting thither from all parts of Asia: nor is there, perhaps, any sort of merchandize of which there is not a magazine to be found at Tauris. The city is full of artists in cotton, silk, and gold; and several of the principal merchants there affirmed to Sir John Chardin, that there are above 6000 bales of silk wrought out in manufactures every year.

The trade of the city extends all over Persia and Turkey, into Muscovy, Tartary, the Indies, and over the Black-Sea. Not far from the city, in the neighbouring parts, are to be seen great quarries of white marble, of which there is a sort that is transparent. The people of the country imagine it to be water of a mineral fountain, congealed and hardened by degrees: there are, indeed, not far from it, two considerable mines, the one of gold, the other of salt; but there has been no working in the gold mine for a long time, because they always found that the profit never answered to the expences of the labour.

The bazars at *Ardebil*, or *Ardevil*, are fine and well covered; but here they deal very little in gold stuffs and jewels, as they are said to have done formerly, and as they do in other places. Here are but three or four large streets where the chief shops are; the rest are not worth speaking of; and, indeed, trade flags here very much. The meidan, or great square, is 300 paces long, and 150 broad, having shops all round it, which, when this city was in its flourishing condition, were well-stocked with valuable commodities; but the richest goods, such as jewels, gold, silver, silk, &c. were kept in another market-house, or exchange, which is a square building, arched over, and opens at three gates, into three long streets.

At *Miana* there is a kind of custom-house, where the officers are said to be very tyrannical in their exactions upon the meaner sort of people, who trade that way.

Soltanaya, or *Sultania*, has some bazars, but not considerable; nor, indeed, can it be reckoned a trading place.

AIGRIS, a stone which serves instead of current coin among the Iffinois, a nation of Africa, on the coast of Guinea, where the river Asbin runs, near the Gold-coast. It is there looked upon as a precious stone, and yet has nothing in it to make it very valuable. It is of a greenish-blue colour, without any lustre; pretty hard, indeed, but does not take a good polish, neither have they skill enough to polish it better. And yet they are so fond of it, that when they buy it, they give its weight in gold for it. They make little bits of it, called *betiquets*, which are bored through in the middle, that they may string them on small threads, made of the bark of trees. Considering the price of that stone, the *betiquets* must be extremely small, since two of them are worth but one penny French money. They cut some in the form of cylinders, an inch long, and they are bored through lengthways. They serve as ornaments for the beards of the kings and lords, making tresses of the hair, which they pass through those cylinders. Akæfimi, king of the Iffinois, had, in the twenty tresses of his beard, sixty of those cylinders, which were worth, at least, 20,000 crowns. But, for all that, this pretended precious stone is not so shining and bright as green *rasade*, which is brought thence from Europe. "I am pretty much inclined to think," says the Chevalier de Marchais, in his *Voyage de Guinée*, tom. i. p. 261, that the *aigris* is the same as the stone called *jade*, or a kind that comes near it, but is not well polished by the Iffinois, which is owing to their want of skill."

AIRSHIRE, contains three great bailiwicks of Scotland, viz. *Carrick*, *Kyle*, and *Cunningham*, which differ in the fertility of their soil, though none of them are barren; they produce corn and cattle, but not in any great plenty. The inhabitants, being an industrious people, are many of them employed by the merchants of Glasgow, and other places, in their herring fishery. The river *Aire* abounds with salmon and trout, as Lady-Isle (about five miles from the town of *Aire*,) does with fowl and rabbits; and from Irwin great quantities of Scotch coal are exported for Ireland.

AKOND, the title of the third pontificate of Persia. He is an officer of justice, and properly the first civil lieutenant; taking cognizance of all cases of orphans and widows, of contracts, and all other civil affairs. The king allows him an annual pension of 2500 pounds, that he may not take any thing of the contending parties.

ALABASTER, a kind of stone, resembling marble, but softer.

There are various colours of this stone, but that which is white and shining is the most common. It is much used by sculptors, for small statues, vases, columns, &c.

ALADULIA, a province of *Anatolia*, or *Asia Minor*, comprehends, in its largest sense, *Cappadocia Magna*, and the *Lesser Armenia*. It joins to the country, or Beglebergate of Trebizond on the south, and is, by the Turks, called the Beglebergate of Munit, or Marasch. This district is likewise called, by the Turks, *Dulgadir*, or *Dulcadir*. The territory of this province is unfit for tillage, but hath abundance of fine pasture grounds, on which the inhabitants breed a prodigious number of cattle, especially horses and camels, besides great herds of sheep and goats.

1. *Cappadocia*, besides the great pasture grounds, produces wines and fruits in great quantities; and the mountains, with which it abounds, especially that long and high chain of them called *Antitaurus*, have mines of silver, copper, iron, and alum. Its chief cities are,

Marasch, which is large and well-built, and drives a good traffic.

Cæsaria, now *Caïsar*, a fair and populous city, the stage of all the caravans of the East, which here disperse to their respective cities. The bazars are handsome and well-stored, and the inhabitants, who are quite polite, drive a considerable trade in cotton.

2. *Armenia the Lesser*, the other province of *Aladulia*, so called to distinguish it from the Greater Armenia, which belongs

longs to Persia, has little or no trade, and is therefore no place of note.

ALAMODE, in commerce, is a thin, light, glossy, black silk, not quilled, or crossed, chiefly used for women's hoods and men's mourning scarfs.

The substance of the several acts of parliament now in force that relate to this article, is as follows:

Alamodes and lustrings may not be imported but into London only; and upon notice first given to the commissioners of the customs, of the quality, quantity, with the marks, numbers, and packages, the names of the importer, the ship, and her burthen, the master, the place where to be laden, and into which they are intended to be imported, and taking a licence under the hands of the said commissioners, or any three of them. 4 and 5 *Will. and Mar. cap. 5. sect. 14.* 9 and 10 *Will. III. cap. 43. sect. 1.*

If they are imported into any other port than London, or without notice, licence, and payment of duty, and not sealed or marked, are forfeited, or their full value. 4 and 5 *Will. and Mar. cap. 5. sect. 14.* 5 and 6 *Will. and Mar. cap. 20. sect. 45.* 9 and 10 *Will. III. cap. 43. sect. 2.*

Upon importation they are to be marked and sealed, and registered in a particular book, by the officers of the customs, before delivered out of the Custom-house warehouse. 5 and 6 *Will. and Mar. cap. 20. sect. 45.* 9 and 10 *Will. III. cap. 43. sect. 2.* If the seals, or marks, are altered, counterfeited, or misapplied, the offenders, and their aiders, &c. are each to forfeit 500l. and to stand in the pillory for the space of two hours. 5 and 6 *Will. and Mar. cap. 20. sect. 45.* 6 and 7 *Will. III. cap. 18. sect. 30.* 9 and 10 *Will. III. cap. 43. sect. 5.*

If they are imported without payment of duty, or being prohibited, or, by way of insurance, delivered, or agreed to be delivered, the importer, contractor, or receiver, may be prosecuted, and a *capias* in the first process, specifying the sum of the penalty may be issued, and the offenders be obliged to give sufficient bail to appear in court, and, at such appearance, must give security to answer all forfeitures and penalties, or else go to gaol. 8 and 9 *Will. III. cap. 36. sect. 1.* 9 and 10 *Will. III. cap. 43. sect. 8.*

If they are fraudulently imported, knowingly received into custody, bartered, or sold, every person concerned, is to forfeit 500l. 9 and 10 *Will. III. cap. 43. sect. 3.*

If they are bought, sold, or harboured, being sealed, or marked, with a counterfeit seal, or mark, the offenders knowing thereof, and not discovering, are to forfeit the goods and 100l. 9 and 10 *Will. III. cap. 43. sect. 5.*

They may be seized within the cities of London and Westminster, and the bills of mortality, only by officers of the customs, or persons deputed by the lustring company, having writs of assistance from the court of Exchequer. 9 and 10 *Will. III. cap. 43. sect. 5.* 5 *Ann. cap. 20. sect. 3.*

When seized, they are immediately to be carried to the Custom-house warehouse in London; and, if forfeited, to be there sold by inch of candle, on condition to be exported, and not to be delivered but in order to be put on ship-board, and until security be given for the due exportation; which security may be discharged by certificate of the chief magistrate of the place where they were delivered, or by oath that they were lost at sea. 8 and 9 *Will. III. cap. 36. sect. 4.* 9 and 10 *Will. III. cap. 43. sect. 2.*

If seized and forfeited, they are not to be consumed in Great-Britain, but must be sold on condition only to be exported. 8 and 9 *Will. III. cap. 36. sect. 4.* 9 and 10 *Will. III. cap. 43. sect. 2.*

In disputes concerning their manufacture or importation, the proof is to lie on the importer, or claimer. 9 and 10 *Will. III. cap. 43. sect. 5.*

Officers conniving at the fraudulent importation of them, or collusively delaying prosecution, are to forfeit 500l. and are rendered incapable of holding any office under his majesty. 9 and 10 *Will. III. cap. 43. sect. 6.*

If they offend a second, or more times, after conviction, they are to forfeit double for each offence. 9 and 10 *Will. III. cap. 43. sect. 7.*

Commanders of ships of war, importing, or knowingly permitting, such goods to be unshipped, besides all other penalties and forfeitures, are to be rendered incapable of serving his majesty. 9 and 10 *Will. III. cap. 43. sect. 4.*

Seamen belonging to such ships, discovering the importation, or unshipping, besides part of the forfeitures, are to be discharged from their service, if desired. 9 and 10 *Will. III. cap. 43. sect. 4.*

Before claim can be entered, the claimer is to give security to pay full costs of suit if he be cast; otherwise, the goods to be forfeited. 9 and 10 *Will. III. cap. 43. sect. 10.* 5 *Ann. cap. 10. sect. 4.*

Information is to be commenced within two years after the offence. 9 and 10 *Will. III. cap. 43. sect. 12.*

Black *alamodes* and lustrings are not to be bought, sold, or dealt in, unless sealed, or marked, at the Custom-house, or by the lustring company, upon forfeiture thereof, and 100l. 6 and 7 *Will. III. cap. 18. sect. 28.*

But if the buyer discovers the feller within twelve months, he is discharged, and is entitled to half the forfeiture of the seller. 6 and 7 *Will. III. cap. 18. sect. 29.*

Black *alamodes* and lustrings, wheresoever manufactured, found without the proper marks, or seals, are forfeited; and the person in whose custody they are found, forfeits 100l. 6 and 7 *Will. III. cap. 18. sect. 28.* 8 and 9 *Will. III. cap. 36. sect. 3.*

The distribution of all penalties and forfeitures is two thirds to the king, and one third to the seizer, or fuer; but the charges of suit and prosecution must be paid out of his majesty's part. 9 and 10 *Will. III. cap. 43. sect. 9.*

ALATERNUS, *the staff-tree*. This genus is by doctor Tournefort placed in his twentieth class of trees and shrubs with a flower of one leaf, whose pointal becomes a soft fruit or berry, inclosing hard seeds. Mr. Ray places it in his class of trees and shrubs bearing berries inclosing several hard seeds.

There are two sorts of the *alaternus*, the broad-leaved, commonly called phillyrea, and the narrow-leaved, deeply sawed on the edges. Some of the Dutch gardeners preserve the latter sort in their green-houses, for the *tea-tree*; and do frequently sell the plants as such to those who are ignorant, or who send to Holland for tea-plants.

Both these sorts grow naturally in Spain, Italy, and the south of France; and have been long inhabitants of the English gardens. They grow to the height of eighteen or twenty feet, and spread their branches pretty wide on every side; so that unless the lower branches are pruned off, the plants will be bushy from the ground upward.

The berries of the narrow-leaved *alaternus*, are gathered in the south of France, and are sent to England by the name of French or Avignon berries, which afford an excellent dye or paint.

These plants flower in April, and their berries are ripe the beginning of September. The birds are so fond of these berries, as to devour them as soon as they are ripe, if they are not gathered, or protected from them.

ALBANIA, a province of Turkey in Europe, lies between Macedonia on the east, and the gulph of Venice on the west, having on the north-east, and north, a chain of mountains, called *Monte-nigro*, or the Black Mountains, which divide it partly from Macedonia, and partly from Servia and Dalmatia. On the south, it is bounded by Epirus, which is sometimes called *Lower Albania*; as the province we are speaking of is stiled *Upper Albania*. Its soil is fruitful, but more towards the north than towards the south, and produces flax, cotton, and excellent wine; as also wax in the woods, and salt dug out of the mountains. The inhabitants make tapestry, which, with the other commodities, they vend abroad. But this country has the same fate of all others under the Turkish dominion, being almost destitute of commerce, and its coast possessed by a kind of pirates, or rovers. Its chief places are,

1. *Scutari*, which is a considerable trading town.

2. *Dulcigno*, situate on the gulph of Venice, may contain 7 or 8000 souls, says Mr. Spon, and is an indifferent good *echelle*, or *scale*, that is to say, in the Levant language,

language, a city of traffic. The Franks have here a consul.

3. *Durazzo*, is a noted sea-port on the coast of the gulph of Venice. The harbour of *Dyrrachium* lies to the north-west of *Brundisium*, now *Brindizzi*, and the passage from the one to the other was easy, so that the former became one of the most considerable towns on the coast of the Adriatic sea. Two circumstances concurred to make it flourish; the one was, that the inhabitants gave every one a full liberty to settle there; whereas the Apollonians, their neighbours, drove all strangers out of their city, after the example of the Lacedemonians. The other was, that most foreigners, who failed up and down the Adriatic sea, used, by the way, to put into this harbour. Messieurs Boudraud, Maty, and Corneille say, that this is still a pretty large town, well fortified, and that it has a good harbour: whereas Messieurs Spon and Wheeler assert, that it is now but a village, with a ruined fort. Thirty miles from *la Valona*, to the southward, there is a mountain, where rises a fountain of pitch, which, being mixed with tar and water, serves to careen vessels.

ALBE, a small piece of money in Germany, worth eight farthings of that country, or two creutzers; that is, about one penny sterling.

ALBERNUS, a stuff resembling camblet, manufactured in the Levant.

ALBUM GRÆCUM, the white dung of dogs. This dung was formerly much used in medicine, particularly mixed with honey to cleanse the throat in inflammations; but it is now rarely used.

ALBUS, a small coin, or halfpenny, current in Cologne, and in the countries of the Lower Rhine. Four *albus*es make four and a half creutzers, or a simple *blasfart*, according to the regulations of the empire.

ALCAHEST, in chemistry, an arbitrary word, derived from no language, but coined by Paracelsus to express an universal menstruum, or solvent, as Helmont explains it.

The illustrious Boerhaave, after collecting every thing which has been said by Helmont, and other chemists, with regard to this wonderful liquor, concludes in the following manner: "Perhaps, says he, you may now be willing to know my opinion of this matter, and whether I believe that any of the chemists ever were masters of this grand *arcantum*. To this I freely answer: Van Helmont complains, that the bottle was once given him, but that it was taken away again, and therefore he could not make any experiments with that liquor. And Paracelsus does not say so many, and so great things of his solvent, and therefore I really do not know what to say to it. This, however, I will venture to say, that if you examine sea-salt and mercury by every chemical method possible, you will never repent of your trouble."

Van Helmont had another menstruum, which he called *circulatum minus*. This is said to be prepared by a circulation of nine weeks, from equal parts of spirit of urine rectified three times, alcohol, and spirit of vinegar twice rectified. This menstruum must doubtless be capable of performing surprising things; especially as we know that neutral menstrooms, like this, will act upon some very hard bodies, which are not otherwise dissoluble, by either acid, alkaline, or spirituous menstrooms.

ALCALI, or ALKALI, a name used by the chemists to express a body, which is esteemed the reverse of an acid. The word is borrowed from the Arabians, who gave this name to a salt extracted from the ashes of a plant, which they called *kali*; but we call it *glass-wort*, because it is used in making glass.

The plant *kali*, if burnt, when it arrives at its full growth, produces ashes remarkable for their salt, acrid taste, an evidence of its abounding with salt. When these ashes are boiled in water, they yield a strong, acrid, salt lixivium, or lye, consisting of the salt communicated by them to the water, which being properly separated, there remains a greyish part, which will neither dissolve in water, nor burn in the fire, but is perfectly insipid, and of the nature of earth. If this lixivium, or lye, is evaporated to a dryness in an iron vessel, a white solid mass, of a most acrid caustic taste, and perfectly soluble in water, is left behind. All these salts, there-

fore, are properly enough called lixivious salts. By terms, however, already received, they are called *alkalies*, or *alkaline salts*. From this salt, and the calx of all stones that strike fire with steel, may be prepared *frit* for the making of glass.

As all our physical knowledge depends upon the discoveries which our senses make in natural bodies, hence all their characteristics must be taken from such sensible signs: nor are we able to distinguish bodies in any other manner. The following characters, therefore, of an *alkali* may be laid down as genuine, and are abundantly sufficient both for the chemist and the philosopher.

1. A fixed *alkaline* salt is produced from a vegetable substance.
2. It is only prepared from a vegetable by fire, which converts it into ashes.
3. When it is thus prepared, it will remain a considerable time in the fire, and thus demonstrate its fixidity.
4. In a moist air it perfectly dissolves, and deposits some scæces, being impatient of continued dryness, though carefully preserved in a close vessel.
5. It impresses an acrimonious taste on the tongue, somewhat caustic; and it excites a taste of urine, on which account these salts have, though not very properly, been called urinous salts: for the taste of this salt does not resemble that of urine, at the first application; but when it has been in the mouth some time, and, by its stimulation, causes a discharge of the saliva; then the neutral animal salts, which are in the saliva, deposit all their acid upon the fixed alkali, and thus become volatile and alkaline, and then impress upon the tongue a disagreeable-urinous taste, of which this is the true origin.
6. This salt, when perfectly pure, and without mixture, has not the least smell, being extremely fixed, even in the fire. But as it attracts every acid; if it meets with any body, which contains a volatile *alkaline* salt, fixed by an acid, and therefore without any smell, it then immediately absorbs the acid, and the alkali being by this means disengaged, and rendered volatile, affects the organs with an *alkaline* smell, which is falsely ascribed to the fixed salt. This appears evidently upon mixing a fixed *alkaline* salt with warm fresh urine, upon which the liquor that was inodorous before, instantly emits a disagreeable *alkaline* smell.
7. Another property of this salt is, that when mixed with any acid whatever, it immediately produces an ebullition and effervescence; and, afterwards, is so intimately united with it into one mass, that if the saturation is complete, the compound discovers no sign either of an *alkali* or an acid; but there is always, by this means, produced a salt of another nature, which is usually called *neutral*.
8. If a pure fixed *alkaline* is mixed with the juice of turnsole, roses, or violets, it presently changes their natural colour, which is a kind of purple, into a green.
9. When this *alkaline* salt is applied for some time to a human body that is warm, and, consequently, exhales some moisture, it excites an acute inflammation, attended with all its symptoms, which soon becomes a grey, hard, dead, and often black scæar; it is therefore capable of producing, at last, a true mortification.
10. All these salts have the faculty of deterging and cleansing, which is not the case with regard to those called neutral. These, then, are the marks by which fixed *alkaline* salts may be known and distinguished from all others; and these will enable us to avoid confusion.

Such *alkaline* fixed salts may also be produced from any crude, fresh vegetable, burnt to ashes, and treated in the manner above-mentioned; but some plants, by this management, yielded but a very small quantity.

No native salts have yet been discovered, with which the preceding characteristics agree, (unless the Egyptian nation may be supposed to do it) *alkaline* salts being procured from vegetable substances only, by the action of fire. Ever since the first calcination of vegetables that happened in the world, these salts have been produced. Hence, therefore, in all ages and places, where this has happened, there must have been a prodigious quantity of this salt generated, which always is, together with the ashes, returned to the earth. In the revolution, therefore, of such a number of years, the whole earth must have been converted into this salt, provided it was immutable. But this is not the case, for these salts, when committed

committed to the earth, render it indeed fruitful, but then they lose their *alkaline* nature, and imbibing the acid of the air, become neutral salts, and act as such. It is farther remarkable, that no plants whatever, if suffered to grow dry, carious, and rotten, will ever yield one grain of a fixed *alkali*; but, on the contrary, they are either dissipated into such minute, volatile particles, as escape the observation of our senses, or leave behind them a substance, which, upon examination, appears to be merely earth. This experiment, therefore, confirmed universally in all ages, evidently demonstrates, that nature never produces a fixed *alkaline* salt, either in the solids or fluids of vegetables. Hence it is certain that fixed *alkaline* salts have their specific nature imparted to them by fire, and not by any natural vegetable operation. But this is still farther evinced by the following experiment, which constantly succeeds in the same manner: take any vegetables, which, if burnt would yield a large quantity of a fixed *alkaline* salt; let them be reduced to putrefaction by art, so that their whole substance shall be perfectly putrified; they will then be rendered exceedingly foetid, and a great part of them volatile, and if they are burnt in an open fire, will not yield the least portion of a fixed salt, but what remains will be a perfectly insipid earth. If therefore we view this experiment in a just light, we must be of opinion, that fixed *alkaline* salts are as much the creature of fire as glass, which nobody ever suspected to be a vegetable production, though vegetable *alkaline* salts enter its composition, and are necessary to its existence.

It must also be remembered, that these *alkaline* salts are capable of being resolved into a considerable part that is saline, hard, bitter, and almost vitrescent; into a simple earth, and into an *alkaline* salt, that is stronger and more pure; and thus we may observe that these *alkaline* salts are by no means simple bodies; but that they are compounded of different parts united together, and that the conjunction of their principles into one mass, which has the appearance of being homogeneous, is owing entirely to the strength of the fire. Hence then it follows that nature never acts by fixed *alkaline* salts, as by her proper instruments, unless when she receives them previously prepared by the fire.

Hence it also appears, that as these fixed *alkaline* salts are rendered more and more simple by a separation of their constituent parts, the salt that thus arises will be continually different; for that which remains after a separation of some of its principles will always be of another, and more simple nature, and consequently will have a different power of acting. Thus in pot-ash, which yields the best *alkali*, a considerable part of it is a bitter, hard, pellucid salt, which does not readily dissolve in water. If this be carefully separated from the rest, a pure *alkali* is obtained, fitter than the former, before this separation, for many operations which are performed by *alkalies*.

It is further to be observed, that these *alkaline* salts may be greatly altered by the casual admixture of some other body, whilst the vegetables are burning, which, being also of a fixed nature, may be united with them, and remain in the ashes. Suppose, for instance, that nitre should happen to come among them; then this, being fixed with the other vegetable salt, would produce an *alkali*, to which, if oil of vitriol was added, it would emit a foetid fume, that would in smell resemble spirit of nitre, which never is the case when the *alkali* is pure. The same is true with respect to sea-salt, and many others. And, lastly, we must observe, that the very burning of vegetables, as it is performed in a different manner, will produce different salts; for it is a known truth, that if the same vegetable is burnt suddenly, in a brisk, strong fire, it will yield a salt different from what is produced by burning it in a slow smothering fire.

Properties of fixed Alkaline Salts.

1. They attract water very powerfully, at a great distance, and from every known body in which it resides. This is plain to the eye; for when such an *alkali* is taken out of the fire, and suffered to remain in a very hot air close to the fire, where water can by no other art be discovered, it will even there grow moist and dissolve; and

if it is then put into a clean, dry, glass-vessel, and exposed to the fire, and the vapour exhaling from it received and condensed in an alembic, it will yield again the pure water which the *alkali* had attracted.

2. It has not yet been determined with any degree of certainty, whether fixed *alkaline* salts repel air, or attract it so strongly, as not to part with it again readily. Experiments which have been made with this view, leave the thing dubious. It is very certain, that oils of *alkaline* salts *per deliquium*, examined by the air-pump, give not the least indication of containing air, since none is to be separated from it, when the pressure of the atmosphere is taken away, even though the oil be made very hot, in order to expel the air. On the contrary, it is equally certain that when *alkaline* oils *per deliquium* are mixed with oil of vitriol, from which the air has been previously extracted by the air-pump, a surprising quantity of elastic air is produced, or, as it is called, generated. Upon considering these circumstances, it appears most probable, that fixed *alkaline* salts actually attract air, and unite it with themselves so strongly, that it is not to be separated, till the texture of the salt is destroyed by the effervescence upon mixing it with an acid.

3. These pure, acrid, fixed, *alkaline* salts, if they are mixed with the purest alcohol, when they come very hot out of the fire, attract it, and unite with it; but if there is the least mixture of water, either in the salts, or alcohol, then the salts repel the alcohol, nor can they be united by any art whatever.

4. These *alkaline* salts act also upon vinous spirits in another manner; for as every spirit drawn by fire, from wine of any sort, has always a volatile acid mixed with it, the acid being greedily attracted by the *alkaline* salt, the spirit, by this means, becomes much more pure, when freed from the acid which adhered to it, and consequently will be very different, both in its nature and virtues, from what it was before this operation.

5. Fixed *alkaline* salts are easily united with the oils of animals and vegetables, whether obtained by distillation or expression.

6. But *alkaline* salts remarkably attract all kinds of acids whatsoever, whether animal, vegetable, or mineral, and that whether dry or moist, pure or diluted. And this force with which *alkalies* attract acid is infinitely greater than that with which they attract water; for in this action by which they unite these acids with themselves, they violently expel the air which resides both in the salt and acids, whence arise such numbers of air-bubbles, which suddenly rise and burst. This union also makes them repel even water: and when they are thus saturated, they will easily suffer themselves to be dried, or deprived of their water, which before they retained so tenaciously.

The violent ebullition and effervescence, that appear upon the mixture of an *alkali* and an acid, whilst the air and water are forcibly expelled, may possibly arise, because these bodies impetuously drive out whatever lies betwixt them, when they rush strongly into mutual contact: and if so, this ebullition and effervescence do not arise from any disagreement, but from an association of principles.

From what has been said, it appears, that among natural causes, by which motion is excited in the universe, we must reckon *alkalies* and acids, at the time when they are mixed together, which motion ceases as soon as ever the combination is completed.

The motion, thus excited, seems of considerable importance in vegetation, or rather in preparing the earth for it. People concerned in husbandry are sensible, that frequent plowing or digging the earth mellowes it, as they call it, renders it fertile; or, to speak more philosophically, disunites the parts of the earth, which otherwise cohere together, and form large glebes, and reduces them into small particles, better suited to the subsequent solution they are to undergo, in order to the production of a plant. Now when the earth is once furnished with an *alkaline* salt, and that is intimately united with the earthy particles, which soon happens, because these salts attracting the water floating in the air, run into an oil *per deliquium*, and sink into the ground; the same salts will attract also the acid of the air, till they are saturated, and both rendered neutral. Whilst, therefore, this neutralization is effecting, an effervescence is made leisurely and by degrees,

greens, as the *alkaline* salt imbibes the acid. Hence motion is excited in the parts of the soil which were impregnated with the *alkali*, and by this motion the particles of the earth are separated from each other, more effectually than either by plowing or digging. This separation is an excellent preparative for a future solution, and, indeed, is one step towards it, since the solution of a body is only reducing it into particles fine enough to float in the medium that dissolves it, and small enough to be transparent, and, consequently, invisible.

Besides the *alkaline* salts already taken notice of, there are others which are volatile, that is, which are capable of being forced by a considerable heat from the body which contains them, and which afterwards arise with a very small degree of heat. The most remarkable among these are animal salts, which may be produced by distillation from every animal substance we are acquainted with. Thus hartshorn, blood, silk, and cobwebs, yield it in great plenty.

Some time since the hypothesis of *alkali* and acid was in great esteem. Tachenius and Sylvius de la Boe were the great defenders of this system. They asserted that *alkalies* and acids were the only universal principles of all bodies; and from hence they accounted for all the phenomena of nature, particularly those of the animal economy. But this, like all other imaginary structures, fell to the ground, when experience demonstrated that it was false and insignificant. It was, however, of some service to physic; because it demolishes the Galenical doctrine of the four elements, four qualities, four degrees, and four humours, which had been the more fatal, as it had obtained credit for a great many centuries, and prevented other researches into the nature of diseases and remedies, and, consequently, had retarded the improvement of physic.

ALCALIZATION, in *chemistry*, signifies the impregnating any body with an alkaline salt, as spirit of wine, &c.

ALCANNA, a drug used in dyeing, which comes from Egypt, and from some other parts of the Levant. The botanists of the latter century called the plant which produces this dye *ligustrum Egyptiacum*, or Egyptian privet; but they were mistaken: it is not a species of that kind.

The colour, which is extracted from its leaves, is red, or yellow, according as it is prepared. It is yellow, if the leaves are put to soak in water; and red, if put into vinegar, citron-juice, or alum-water.

The oil that is extracted from the berries of the *alcanna* is of an agreeable scent, and of some use in physic, especially for softening the fibres. It is called also oil of *Cyprus*, and the plant sometimes *Cyprus*. See **ANCHUSA**.

ALCAVALA, a custom-house duty paid in Spain, and in Spanish America. It is a duty of import, at the rate of 5 per cent. of the price of merchandizes.

ALCEA, *Vervain Mallow*. This genus of plants is by Doctor Tournefort ranged in his sixth section of his first class of plants, intitled, "Herbs with a Bell-shaped Flower of One Leaf; from the bottom whereof there arises a tube that receives the pointal, which changes to a fruit consisting of many cells." Doctor Van Royen gives the title of *columnifera* to this class of plants, because the parts of generation are joined in form of a column in the center of the flower.

The distinction between *alcea* and *malva*, according to Caspar Bauhin, Ray, Tournefort, and most of the botanists of the last century, is in the leaves of the *alcea* being deeply cut and jagged, somewhat like those of the vervain; and this hath occasioned the English title of *vervain mallow*.

The *alcea vulgaris major*, C. B. P. is the species which is ordered to be used in medicine; but that sort is not very common to be met with in England; that which grows naturally near London is the *alcea tenuifolia crispa*. J. B.

It is seldom used in medicine; but the virtues are generally supposed to be nearly the same as those of the common mallow, but less emollient.

ALCHEMY, that branch of chemistry which relates particularly to the transmutation of metals. The Arabic augmentative particle *al*, added to it, distinguishes it from the vulgar chemistry. See **CHEMISTRY**.

ALCHIMILLA, *lady's mantle*. This genus of plants

is by Dr. Tournefort ranged in the second section of his fifteenth class, intitled, "Herbs with Staminate Flowers, whose Pointal becomes a Seed inclosed in the Empalement."

In the North of England it is called *bear's-foot*, being the sort that is called the *alchimilla vulgaris*, or common lady's mantle, and grows naturally on moist meadows in many parts of England, but especially in the northern counties. It flowers in May and June: the roots are perennial, and spread very wide, when they are in a moist soil: the leaves grow upon slender pedicles, arising from the root: the flower-stems rise about a foot high; and are clothed with leaves of the same shape with those below, but smaller, one coming out at every joint of the stalk: the flowers are produced in clusters at the top, which are green, but the summits are of a yellow colour.

This plant is esteemed as a good vulnerary, being drying and binding: it is frequently prescribed in wound-drinks. The leaves of the plant are chiefly used; and these are brought over from Switzerland, mixed with their common vulnerary herbs.

ALCOHOL, in *chemistry*, spirit of wine brought by art to the highest degree of strength and perfection. The word is originally Arabic, and should be wrote *Al-Ka-Hol*, which signifies a fine impalpable powder which the women of the East make use of as a kind of fucus: and hence the word has been applied to any other substance reduced to the utmost degree of purity, and from which all impure and heterogeneous particles have been separated.

Alcohol is the most complete and perfect production of vegetable fermentation. See **FERMENTATION**.

It is the lightest fluid next to air, perfectly transparent, very thin, most simple, totally inflammable, without producing any smok, or diffusing any disagreeable smell whilst it is burning; is exceedingly volatile, without leaving any fœces; absolutely immutable in distillation; extremely expansible by heat; very easily disposed to ebullition by fire; of a very pleasant smell, and of a particular grateful taste. All the humours of the human body we are acquainted with, it coagulates in an instant, except the pure water and urine, whilst it hardens all the solid parts, and thus preserves both from putrefaction, or spontaneous colliquation: it preserves the bodies of insects, fish, birds, and other animals that are put into it, from putrefaction, or alteration for ages, if closely stopped: with water, vinegar, or any acid liquors, oils, and pure volatile alkaline salts, it suffers itself to be mixed, and that nearly with an equal mixture, and gummy and resinous substances it dissolves. So that we are acquainted with no fluid, produced either by nature, or the art of chemistry, that is capable of being united with more bodies than *alcohol*. But in a particular manner it proves an excellent vehicle for the *spiritus rector* of vegetables, which, by uniting with it, may be extracted from its proper body, retained, and applied to medicinal and other uses. The great masters of chemistry, distinguished by the title of adepts, are supposed, in their description of the artificial preparation of this perfect *alcohol* to have shadowed out the preparation of the philosopher's stone: but it is certain, that this *alcohol* owes its origin to fermentation alone; nor can it be prepared in any other manner whatsoever.

As there are infinite, and oftentimes very inviting occasions in which chemists and other artificers stand in need of the true and purest *alcohol*, the least remainder of water rendering the operation unsuccessful, it is absolutely necessary we should have some marks by which we may be able to distinguish, whether our *alcohol* be pure or not. The principal of these are,

1. If the supposed *alcohol* contains any oil dissolved in it, and so equally distributed through it, that it is no ways perceptible, then upon pouring of water into it, the mixture will grow white, and the oil separate from the *alcohol*.

2. If any thing of an acid lies concealed in *alcohol*, a little of it mixed with the alkaline spirit of sal ammoniac will discover the acid by an effervescence excited by the affusion of the acid; for otherwise there would be only a simple coagulation.

3. If there be any thing of an alkali intermixed, it will appear by the effervescence excited by the affusion of an acid.

4. But

4. But it is a matter of great difficulty to discover whether there be any water intermixed with it. The best method of doing this is the following: take a chemical vessel with a long narrow neck, the bulb of which will hold four or six ounces of *alcohol*. Fill this two thirds full with the *alcohol* you intend to examine, into which throw a dram of the purest and driest salt of tartar, coming very hot out of the fire; then mix them by shaking them together, and set them over the fire till the *alcohol* is just ready to boil. Being thus shaken and heated, if the salt of tartar remains perfectly dry, without the least sign of moisture, we are sure that there is no water in the *alcohol*. The learned Boerhaave tells us that by this method he discovered water in *alcohol* which had been looked upon as pure, having undergone every other method of trial.

ALDERMAN, hath the same signification as *senator*, or *senior*, or *elder*; and was the same among the Saxons as *earl* among the Danes. *Camb. Brit. fol. 107*. But at this day, and long since, those are called *aldermen* who are associates to the civil magistrate of a city or town-corporate. *Stat. 24 Hen. VIII. cap. 13*. An *alderman* ought to be an inhabitant of the place, and resident where he is chosen; and if he removes, he is incapable of doing his duty in the government of the city or place, for which he may be disfranchised. *4 Mod. Rep. 36*. *Alderman Langham* was a freeman of the city of London, and chosen *alderman* of such a ward, and being summoned to the court of *aldermen* he appeared, and the oath to serve the office was tendered to him, but he refused to take it, in contempt of the court, &c. whereupon he was committed to Newgate; and it was held good. *March Rep. 179*. The *aldermen* of London, &c. are exempted from serving inferior offices; nor shall they be put upon assizes, or serve on juries, so long as they continue to be *aldermen*. *2 Cro. 585*. In *Spelman's Glossary*; we find that we had anciently a title of *aldermannus totius Angliæ*; witness this inscription on a tomb in Ramsey abbey, *His requiescit D. Alwinus, inclyti Regis Eadgari cognatus, totius Angliæ aldermannus, et bujus sacri cænobii miraculosus fundator*. See *Spelman's Glossary* at large on this word.

Alderman was one of the three degrees of nobility among the Saxons: *etheling* was the first, and *thane* the lowest; but *alderman* was the same as our earl. The word was disused in the latter ages of the Saxons, and in its place the word earl was introduced. It is certain that it was used in king Athelstan's reign. It is true, it literally imports no more than elder; but amongst the Saxons it signified a duke, an earl, a nobleman, and sometimes a general; but then he was called *heretoga*, viz. *Mercna heretoga, alderman of Mercland*; which title he had in relation to his military power: but the title *alderman* shewed his civil jurisdiction; which title afterwards was applied to a judge; as in the reign of king Edgar, Alwin, the son of Athelstan, is called *aldermannus totius Angliæ*, that is, as *Spelman* tells us, *justiciarius Angliæ*.

There was likewise *aldermannus hundredi*: which dignity was first introduced in the reign of Henry I.

At present the *aldermen* are associated to the mayor, or civil magistrate, who form a kind of council, and regulate matters according to the policy of the place: sometimes they also take cognizance of civil and criminal affairs, but this is only in particular cases. Their number is not limited, being in some places six, and in others twenty-six, out of which the mayor or chief magistrate is annually chosen, who, at the expiration of his mayoralty, becomes again an *alderman*.

ALE, a well-known liquor in England, made of m.l.t.

What chiefly distinguishes *ale* from *beer*, which is made from the same ingredients, is the quantity of malt and hops used in it, there being more put into *beer* than into *ale*; wherefore the former is stronger and more bitter, and will keep longer.

The duties on *ale* and *beer* make a principal branch of the revenues in England. They were laid the twelfth year of Charles II. and have been continued by several subsequent acts of parliament to the present time.

By stat. 12 Car. II. cap. 23. sect. 1. there was to be paid to his majesty during life,

For every barrel of *beer* or *ale* above 6s. the barrel, brewed by any person who shall sell *beer* or *ale*, to be paid by the brewer, 1s. 3d.

For every barrel of 6s. *beer* or *ale*, brewed as aforesaid, 3d. continued for the life of his majesty, by 1 Geo. II. stat. 1. cap. 1.

By stat. 12 Car. II. cap. 24. sect. 15. there was to be paid unto the king, his heirs and successors for ever, as a part of the recompence for the tenures and purveyance taken away,

For every barrel of *beer* or *ale* above 6s. the barrel, brewed by any person who shall sell *beer* or *ale*, to be paid by the brewer, 1s. 3d.

For every barrel of 6s. *beer* or *ale*, or under, brewed as aforesaid, 3d. Confirmed 13 Car. II. cap. 7.

By stat. 4 Will. and Mar. cap. 3. sect. 2. there was to be paid unto their majesties, during ninety-nine years, for *beer* and *ale*, by way of excise, above all other duties,

For every barrel of *beer* or *ale* above 6s. the barrel, exclusive of excise, brewed by any person who shall sell *beer* or *ale*, to be paid by the brewer, 9d.

For every barrel of *beer* or *ale* of 6s. the barrel, or under, 3d.

For every barrel of *beer*, *ale*, or *mum*, imported from beyond seas, to be paid by the importer before landing, 3s.

Made perpetual 1 Geo. I. cap. 12. sect. 8. and the surplus, together with that of the duties on cyder, perry, brandy, spirits, and metheglin, as expressed in the same act, appropriated to the aggregate fund.

By stat. 5 Will. and Mar. cap. 20. sect. 10. there was to be paid unto their majesties, for *beer* and *ale*, one moiety of the duties of excise granted for four years, by 2 Will. and Mar. cap. 10. (viz.)

For every barrel of *beer* or *ale* above 6s. the barrel, exclusive of excise, brewed by any person who shall sell *beer* or *ale*, to be paid by the brewer, 9d.

For every barrel of *beer* or *ale* of 6s. the barrel, or under, 3d.

For every barrel of *beer*, *ale*, or *mum*, imported from beyond sea, Guernsey, or Jersey, to be paid by the importers before landing, 3s.

Five sevenths of this duty, and also of the duty on cyder, perry, brandy, &c. as is expressed in the same act, appropriated to make good a fund to the Bank, and two sevenths to pay annuities; and the surplus to the aggregate fund, 1 Geo. I. cap. 12.

By stat. 4 Ann. cap. 6. sect. 6. From the 17th of May, 1713, there was to be paid unto her majesty during the term of thirty-five years for *beer* and *ale*, above all duties imposed by former acts.

For every barrel of *beer* or *ale* above 6s. the barrel, exclusive of excise, brewed by any person, who shall sell *beer* or *ale*, to be paid by the brewer, 9d.

For every barrel of *beer* or *ale* of 6s. the barrel, or under, 3d.

For every barrel of *beer*, *ale*, or *mum*, imported from beyond sea, or from Guernsey, or Jersey, to be paid by the importers, before landing, 3s.

These duties, together with those on cyder, perry, brandy, &c. as expressed in the same act, charged with annuities, and by 1 Geo. I. cap. 12. are made perpetual, and part of the aggregate fund. The South-Sea company are impowered to purchase the annuities, by 6 Geo. I. cap. 4.

By stat. 8 Ann. cap. 7. sect. 1. From the feast of the Annunciation, 1710, there was to be paid unto her majesty during the term of thirty-two years, for *beer* and *ale*, above all duties by former acts imposed,

For every barrel of *beer* or *ale* (above 6s. the barrel, exclusive of excise) brewed by any person who shall sell *beer* or *ale*, to be paid by the brewer, 3d.

For every barrel of 6s. *beer* or *ale*, or under, 1d.

By sect. 3. For the barrel of two-penny *ale*, described in the seventh article of the treaty of union, there was to be only paid, by virtue of this act, such a proportionate part of 3d. as 2s. bears to 4s. 9d. above the other duties charged in the said articles.

Made perpetual by the South-Sea act, 6 Geo. I. cap. 4.

Officers of the customs are to charge masters of ships, in their victualling bills, with no more than is sufficient for the voyage. 1 *Will. and Mar. cap. 22. sect. 2.*

An additional duty of 3s. per barrel is, by an act 1 *Geo. III.* granted on all beer or ale above 6s. the barrel, brewed for sale in England; to commence on the 24th of January, 1761: and a proportional duty is to be paid for every barrel of two-penny ale, brewed for sale in Scotland. All the powers, rules, and directions, &c. established by an act of the 12th of Charles II. or by any other act now in force relating to the duties of excise, are extended to the duties granted by this act.

Beer brewed before the said 24th of January, if at any time thereafter mixed with any fresh guile or brewing, is to pay the additional duty. A draw-back of 8s. per barrel is to be allowed by the commissioners of excise on all beer and ale, brewed after the said 24th of January, and exported to foreign parts, the proper officer delivering a certificate of the quantity exported, and of the duties having been duly paid; and withal deducting 3d. per tun for charges of the officers. A bounty of 1s. per barrel is to be paid by the commissioners of excise on all strong beer and ale exported, for which duties have been paid, brewed, after the said 24th of January, from malted corn, when barley is at 24s. per quarter, or under. The duty is likewise to be paid for strong beer or ale spent on ship-board. All powers, rules, methods, and directions, in an act of the 33d *Geo. II.* with respect to the draw-back and bounty thereby allowed on exportation of British-made spirits, and the preventing of frauds therein, are to be in force, and, with respect to the draw-back and bounty, &c. payable under this act, except such parts as relate to the size of the casks and burden of the ships or vessels.

Fines, penalties, and forfeitures, are to be levied and applied according to law. The amount of the new duties is to be distinguished in the officer's accounts, and to be paid into the exchequer separately from all other duties, &c. And these duties are appropriated for the payment of the annuities, chargeable on the monies borrowed on the credit of this act.

GILL-ALE, a kind of medicated drink, prepared by infusing the dry leaves of ground-ivy in malt-liquor, by which means it becomes impregnated with the virtues of the simple. There are several other medicated liquors, which may be seen in Quincy's Dispensatory.

ALE-CONNER, an officer in the city of London, whose business is to take care that the measures in public-houses are just.

ALE-SILVER, a rent or tribute annually paid to the lord mayor of London, by those that sell ale within the liberty of the city. *Antiq. Purvey. 183. Cowel.*

ALE-TASTER, is an officer appointed in every court-leet, sworn to look to the affize and goodness of ale and beer, &c. within the precincts of the lordship. *Kitch. 46.* where may be seen the form of his oath.

ALEHOUSES. Before the statute of 5 and 6 *Ed. VI. cap. 25.* it was lawful for any one to keep an alehouse without licence; for it was a means of livelihood, which any one was free to follow: but if it was disorderly kept, it was indictable as a nuisance. 1 *Salk. 45.*

The ancient, true, and principal use of inns, ale-houses, and victualling-houses, was for the receipt, relief, and lodging of way-faring people travelling from place to place, and for such supply of the wants of such people as are not able by greater quantities to make their provision of victuals, and not meant for entertaining and harbouring of lewd and idle people, to spend and consume their money and their time in a lewd and drunken manner. *Preamble to Stat. 1 Jac. I. cap. 9.*

Stat. 5 Ed. 6. cap. 25. sect. 1. The justices of peace in every shire, city, and borough, town corporate, franchise or liberty, or two of them (whereof one to be of the quorum) shall have power to put away common selling of ale and beer, in common alehouses and tipling-houses, where they shall think meet. And none shall keep any common alehouse or tipling-house, but such as shall be thereunto admitted in the open sessions of the peace, whereof one to be of the quorum. And the justices shall take bond and surety from time to time, by recognizance, of such as shall be admitted to keep any

common alehouse or tipling-house, as well against the using unlawful games, as also for the maintenance of good order. For making of which recognizance, the party shall pay but twelve-pence.

Sect. 2. The justices shall certify the recognizance at the next quarter-sessions, there to remain of record before the justices, upon pain of forfeiture for every such recognizance taken and not certified, three pounds six shillings and eight pence.

Sect. 3. The justices of peace where such recognizance shall be taken, shall have power, in their quarter-sessions, by their discretion, to inquire of all such persons as shall be admitted to keep any alehouse or tipling-house; and that he be bound by recognizance, if they have forfeited the same recognizance. And the justices shall, upon every such presentment, or information, award process against such person, to shew why he should not forfeit the recognizance, and shall have power to hear and determine the same.

Sect. 4. If any person, other than such as shall be admitted by the justices, shall obstinately take upon him to keep a common alehouse or tipling-house, or shall, contrary to the commandment of the justices, or two of them, use commonly selling of ale or beer; the said justices, or two of them (whereof one to be of the quorum) shall commit such person to the common gaol, there to remain three days. And before his deliverance, the justices shall take recognizance of him, with two sureties, that he shall not keep any common alehouse or tipling-house, or use commonly selling of ale or beer.

Sect. 5. The justices shall make certificate of every such recognizance and offence at the next quarter-sessions, which certificate shall be a sufficient conviction. And the justices, upon the said certificate made, shall in open sessions assess the fine for every such offence at twenty shillings.

Sect. 6. In such places where any fair shall be kept, for the time only of the fair, it shall be lawful for every person to use common selling of ale or beer in booths, or other places there.

The first section of the foregoing statute must be understood of unlicensed houses only. 1 *Salk. 46.* And by the same section, the justices in their sessions have power to suppress such unlicensed alehouses, and need not proceed by information or conviction; but they have thereby a discretionary power to suppress them, without shewing any cause or misdemeanor. *Lord Raymond 1303.*

There is a difference between suppressing an unlicensed alehouse, and one that is licensed. Where an alehouse is licensed, the justices, to suppress it, must either proceed upon the recognizance, the condition whereof must at least be broken; and therefore his having another trade, or being a bailiff, can be no cause in such case: or by indictment, and then there must be such disorders as prove a nuisance. But where an alehouse is unlicensed, the justices may suppress it at discretion; for on the denial of a license no appeal lies, and this statute, which gives the justices a power to suppress where they should think meet, would signify nothing if it did not extend to such cases; for it cannot extend to alehouses that are licensed, because they are not punishable without a breach of the recognizance. And to those that are unlicensed, if they be suppressed, the want of a license can only come in question in such case, and not the reason and cause why it was denied. 1 *Salk. 45, 46.*

Stat. 4 Jac. I. cap. 4. No person shall sell any beer or ale to any person, that then shall sell beer or ale as a common tipler or alehouse-keeper, the same person not having any license (other than for the use of his household) upon pain to forfeit for every barrel six shillings and eight pence, and after that rate.

Stat. 3 Car. I. cap. 4. sect. 2. If any person shall, not being licensed, keep a common alehouse, or use commonly selling of ale or beer, cyder or perry, such person shall forfeit twenty shillings to the use of the poor of the parish; the offence being viewed by the mayor, bailiff, or justice of peace, or other head officer, or confessed by the party, or proved by the oath of two witnesses: the said penalty to be levied by the constables or churchwardens, who shall be accountable thereof to the use of the poor; and for default of satisfaction within three days,

days, the distrefs to be appraised and fold, and the overplus to be delivered to the party. And if fuch offender fhall not have fufficient goods, or fhall not pay the faid twenty fhillings within fix days after conviction, then the mayor, bailiff, &c. fhall commit the offender to fome conftable, or other inferior officer, to be openly whipped.

Sett. 3. If any conftable or officer fhall neglect to execute the faid warrant, it fhall be lawful for the mayor, bailiff, &c. to commit the conftable or officer to the common gaol, until the faid offender fhall be by the faid conftable or officer, or by his procurement, punifhed and whipped, or until he fo neglecting fhall have paid forty fhillings to the ufe of the poor of the parifh.

Sett. 4. If the offender, being an unlicenced alehoufe-keeper, fhall offend the fecond time, then the mayor, bailiff, &c. fhall commit him to the houfe of correction for one month. And if fuch perfon fhall again offend, he fhall be committed to the houfe of correction until by the order of the juftices, in their general feflions, he fhall be delivered.

Sett. 5. Such offender, as fhall be punifhed by virtue of this act, fhall not be punifhed again for the fame offence by the act 5 and 6 *Edw. 6. cap. 25.* And fuch offender as fhall be punifhed by virtue of the act 5 and 6 *Edw. 6.* fhall not be punifhed again for the fame offence by virtue of this act.

Sett. 6. In places where any fair fhall be kept, for the time only of the fame fair, it fhall be lawful for every perfon to ufe common felling of ale or beer in booths or other places.

Stat. 26 Geo. II. cap. 31. fett. 9. When any juftice fhall fufpect that any alehoufe-keeper, victualler, or retailer, fells ale, beer, cyder, or perry, without licence, it fhall and may be lawful for fuch juftice to call fuch fufpected perfon before him, and alfo any excife-officer or gauger, to produce before fuch juftice his flock-book, or other account, which fuch officer keeps, of the charge or furvey of fuch fufpected perfon, in refpect of any of the liquors aforefaid; and likewife to examine fuch excife-officer or gauger upon oath, touching the manner in which fuch officer furveys or charges fuch fufpected perfon, in refpect of any of the liquors aforefaid, or how, or in what manner fuch fufpected perfon actually pays the duties for any of the faid liquors; if it fhall appear by fuch flock-book or other account, or by the examination of the faid officer or gauger, that fuch perfon fo fufpected, is furveyed as a victualler or retailer, and is charged with the fame duties that victuallers and retailers are actually charged with, and pay for any of the liquors aforefaid, and is not intitled to the allowance or abatement given to common brewers, then, and in fuch cafe, fuch fufpected perfon fhall be deemed an alehoufe-keeper, victualler, retailer, or feller of any of the liquors aforefaid, to all intents and purpofes, as if the fame had been proved by two witneffes.

Sett. 10. And if any perfon fhall make information before any one juftice of the peace, and fhew probable caufe that he fufpects that any perfon fells ale without licence, beer, or other liquors, without a licence from two juftices, it fhall and may be lawful to and for fuch juftice to call fuch fufpected perfon before him, and alfo to fummon any other perfon or perfons as evidence to prove the charge againft fufpected perfon, and if fuch perfon fo fummoned fhall refufe to appear, or, when appearing, fhall refufe to be examined upon oath, and give evidence as aforefaid, fuch perfon or perfons fhall forfeit the fum of ten pounds, to be levied by diftrefs and fale of the goods and chattels of fuch offender or offenders, by warrant under the hand and feal of fuch juftice, rendering him or them the overplus, after charges of the faid diftrefs and fale deducted, to be paid to the overfeers for the ufe of the poor where the offender fhall live.

Sett. 11. And that if any perfon fhall be difabled by conviction to fell ale, beer, cyder, or perry, fuch perfon fhall, by the fame conviction, be alfo difabled to fell any fpirituous liquors or ftrong waters; any licence before obtained for that purpofe notwithstanding, and every licence granted to the perfon fo convicted, to fell ale, beer, cyder, perry, fpirituous liquors, fstrong waters, or any of them, from the time of fuch conviction, fhall be

null and void; and every perfon felling ale, beer, cyder, perry, fpirituous liquors, fstrong waters, or any of them, during the term of fuch difability, fhall be fubject to all, or fuch of the penalties, as are refpectively inflicted by law for felling ale, beer, cyder, perry, fpirituous liquors, fstrong waters, or any of them, by retail without licence; and in all profecutions of fuch offenders, a certificate from the clerk of the peace (or perfon acting as fuch) of any fuch conviction, fhall be legal evidence; which certificate fuch clerk of the peace or perfon fhall grant on demand, without fee or reward.

Sett. 12. And every perfon fo convicted of the offence of felling ale, beer, or other liquors, without a licence from two juftices of the peace, fhall, for every fuch firft offence, forfeit the fum of forty fhillings; and for every fuch fecond offence fhall forfeit the fum of four pounds; and for every fuch third offence fhall forfeit fix pounds; all which faid refpective forfeitures fhall and may be levied by diftrefs, and fale of the goods and chattles of every fuch offender (rendering to him the overplus, after charges of the faid diftrefs and fale deducted) by warrant under the hand and feal of the juftice convicting fuch offender; and fhall be paid one moiety thereof to the informer, and the other moiety thereof to the overfeers of the poor, for the ufe of the poor of the parifh or place where fuch offence was committed; and if no fufficient diftrefs fhall be found, whereon to levy the faid refpective forfeitures, then the faid juftice of the peace fhall and may commit every fuch offender fo refpectively committed as aforefaid, to the common gaol or other prifon, or houfe of correction, within his jurifdiction, without bail or mainprize, for the fpace of one month, for the firft offence; and for the fecond offence, for the fpace of two months; and for the third offence, until fuch offender fhall be difcharged by order of the court of general quarter-feflions.

Stat. 28 Geo. II. cap. 19. fett. 2. Every perfon felling ale, beer, or other liquors without licence, after a third conviction, fhall, for every fuch offence, fo often as it fhall happen, forfeit the fum of fix pounds to be levied and difpofed of in like manner as the forfeitures in the firft, fecond, and third conviction, are directed to be, in and by the faid act; and in cafe no fufficient diftrefs fhall be found, whereon to levy the faid feveral forfeitures, then the juftices of the peace, who fhall have convicted fuch offender, fhall and may commit him or her fo convicted, to the common gaol, or other prifon, or houfe of correction within his jurifdiction, without bail or mainprize, until fuch offender fhall be difcharged by order of the general or quarter-feflions.

Licensing alehoufes, and the requifites upon that occafion.

Stat. 2 Geo. II. cap. 28. fett. 11. Whereas many inconveniencies have arifen from perfons being licenced to keep inns, and common alehoufes, by juftices of the peace, who, living remote from the places of abode of fuch perfons, may not be truly informed as to the occafion or want of fuch inns or common alehoufes, or the characters of the perfons applying for licences to keep the fame. Be it therefore enacted, that from and after the twenty-fourth day of June, one thoufand feven hundred and twenty-nine, no licence fhall be granted to keep a common inn, or alehoufe, or to retail any brandy or fstrong waters; but at a general meeting of the juftices of the peace acting in the divifion where the faid perfon dwells to be holden for that purpofe, on the firft day of September yearly, or within twenty days after, or at any other general meeting of the faid juftices, to be holden for the divifion wherein the faid perfon refides; and all licences which fhall, after the faid twenty-fourth day of June, one thoufand feven hundred and twenty-nine, be granted to the contrary hereof, fhall be null and void.

Sett. 12. Nothing herein contained fhall extend to alter the method or power of granting licences for keeping of common inns, alehoufes, or brandy-fhops, in any city or town corporate.

Stat. 26 Geo. II. cap. 31. fett. 1. Upon granting licences by juftices of the peace to any perfon to keep an alehoufe, inn, victualling-houfe, or to fell ale, beer, and other liquors by retail, every fuch perfon fhall enter into

recognizance to the king's majesty, his heirs, and successors, in the sum of ten pounds, or two sufficient sureties, each in the sum of five pounds, or one sufficient surety in the sum of ten pounds, under the usual condition, for maintenance of good order and rule within the same; and in case the person applying for such licence shall be hindered through sickness or infirmity, or any other reasonable cause, to be allowed by the said justices of the peace, at the meeting of the said justices for granting the said licences, then that it shall and may be lawful for them to grant such licence upon two sufficient sureties entering into such recognizance, each in the penalty of ten pounds, for performance of the condition of the said recognizance; which said recognizance, with the condition thereof, fairly written, or printed, shall forthwith, or at the next general or quarter-sessions of the peace at farthest, after granting such licences, be sent or returned to the clerks of the peace, or persons acting as such for every county, riding, city, liberty, or town corporate, in that part of Great-Britain, called England, wherein such licences shall be granted, under the hands of the justices of peace, before whom such recognizances were taken, to be by the said clerks of the peace, or such other person acting as such, duly entered or filed amongst the records of the peace; and that for every such licence granted without taking such recognizance, and for every such recognizance not sent or returned as aforesaid, every justice of the peace signing such licence shall forfeit 3l. 6s. 8d.

Sec. 2. To prevent disorders in *alehouses*, no licence to keep the same shall be granted to any person not licensed the year preceding, unless such person produce, at the general meeting of the justices in September, a certificate under the hands of their parson, vicar, or curate, and the major part of the church-wardens and overseers, or else of three or four reputable and substantial householders and inhabitants of the parish or place where such *alehouse* is to be; setting forth, that such person is of good fame, and of sober life and conversation; and it shall be mentioned in such licence, that such certificate was produced, otherwise such licence shall be null and void.

Sec. 3. If any person licensed shall die or remove from an *alehouse*, it shall be lawful for the person succeeding to such house, to keep on the said *alehouse* during the residue of the term of such licence, on condition that within thirty days after such death or removal, such person obtain such certificate as aforesaid, to be signed by some neighbouring justice, in order to its being produced at the next general meeting in September; and if such certificate be not so obtained and signed, within the said thirty days, then, immediately from and after the expiration thereof, such licence shall be null and void; and no licence shall intitle any person to keep an *alehouse* in any other place than that in which it was first kept by virtue of such licence, and such licence, with regard to all other places, shall be null and void.

Sec. 4. No licence shall be granted but on the first day of September yearly, or within twenty days after; and such licence shall be made for one year only, and to commence on the twenty-ninth day of the said September; and the day and place for granting such licence shall be appointed by two or more justices acting for the division, by warrant under their hands and seals, at least ten days before such meeting, directed to the high-constable, or high-constables, of the said division; requiring him or them to order his or their respective petty constables, or other peace-officers, to give notice to the several inn-keepers and alehouse-keepers within their respective constablewicks, of the day and place of such meeting; and all licences hereafter granted at any other time or place, shall be null and void, to all intents and purposes whatsoever.

Sec. 5. The clerks of the peace shall keep a register or calendar of all recognizances so sent or returned, and shall deliver, or cause to be delivered to the justices of the peace, at their general meeting in September every year, for granting licences in each division or place, a true copy of such register or calendar; and for every recognizance there shall be paid, by the clerk or clerks of the justices taking such recognizances, to the said

clerks of the peace, as their fee for filing or recording the said recognizance, and for making and delivering copies of the said register or calendar thereof, the sum of one shilling, and no more; which shall be paid to the clerks of the said justices by the persons licensed, over and above the fees payable to the said justices clerks.

Sec. 6. The said forfeitures for granting licences, without taking recognizances, shall and may be sued for, and recovered by action of debt, bill, plaint, or information, in any of his majesty's courts of record at Westminster, for the use of the person or persons who shall sue or prosecute the same, together with costs of suit; wherein no essoin, or wager of law, or more than one imparlance shall be allowed.

Sec. 7. Any justice of the peace of any county, &c. wherein such licence shall be granted, upon complaint or information that such licensed person hath done or committed any act, offence, or misdemeanor, whereby in the judgment of the same justice such recognizance may be forfeited, or the condition thereof broken, may by summons under hand and seal, require such person, so complained of, or informed against, to appear at the next general or quarter-session of the peace for the said county, &c. then and there to answer to the matter of such complaint or information; and also may bind the person or persons who shall make such complaint or information, or any other person or persons, in a recognizance to appear at such general or quarter-session, and give evidence against such person so complained of, or informed against; and the justices of the peace in their general or quarter-sessions, shall have power to direct the jury which shall attend at such sessions for the trial of traverses, or some other jury of twelve honest and substantial men, to be then and there impanelled by the sheriff, without fee or reward, to enquire of the misdemeanor charged in the said complaint or information; and if such jury shall find that the person so complained of, or informed against, hath done any act whereby the condition of his recognizance is broken, such act being specified in such complaint or information, it shall and may be lawful for the court, at such general or quarter-sessions, to adjudge such person guilty of the breach of such recognizance; which verdict and adjudication shall be final to all intents and purposes; and thereupon the said justices shall order the recognizance, entered into by such offender, to be estreated into the Exchequer, to be levied to his majesty's use; and that the said person, the condition of whose recognizance shall be adjudged to be broken and forfeited, shall, from and after such adjudication, be utterly disabled to sell any ale, beer, cyder, perry, spirituous liquors, or strong waters, for the space of three years; and any licence or licences, granted or to be granted to such person during such term, shall be void and of no effect.

Sec. 8. Provided, that the said justices may, at the request of the prosecutor, or party so complained of or informed against, or either of his or her sureties, if they shall see just, adjourn the hearing and trial of the said complaint or information, to the then next general quarter-sessions of the peace, where the same shall be finally determined.

Sec. 13. And every conviction of any offender for selling ale, beer, or other liquors, without such licence, or after being disabled to sell as aforesaid, shall be certified by the justice of peace making the same, to the next general or quarter-sessions of the peace, to be filed or entered amongst the records of the said session; and that such conviction shall and may be drawn up and certified in the following form of words as the case shall happen, or in another form of words to the same effect, *mutatis, mutandis*, that is to say,

Middlesex. A. B. is convicted on his or her own confession (or on the oath of) of having sold ale, beer, or other liquors, in the parish of in this county, on the day of without being licensed thereto, according to law (or, after being disabled to sell, as the case may be). Given under my hand and seal this day of

And there shall be added, that the same is the first, second, or third conviction; which said conviction, in the

same or the like form of words, shall be good and effectual in law to all intents and purposes, and shall not be qualified, set-aside, or adjudged void or insufficient for want of any other form or words whatsoever.

Sec. 14. Provided always, that such offender who shall be punished by virtue of this act, shall not be punished again for the same offence by any former act; and that such offender who shall be punished by virtue of any former act, shall not be punished again for the same offence by virtue of this present act, or any thing herein contained.

Sec. 15. Provided, that this act, or any thing herein contained, shall not in any wise be prejudicial to the privilege of licencing taverns and public-houses, claimed by the two universities of that part of Great-Britain called England, or either of them, nor to the chancellor, masters, and scholars, or any officers of the same, or their successors, but that they may use and enjoy such privilege, as they have heretofore lawfully used and enjoyed; any thing herein contained to the contrary notwithstanding.

Sec. 16. Provided always, that nothing herein contained shall extend, or be construed to extend, to alter the time or times of granting licences for keeping of common inns or *alehouses*, or to oblige persons, not licenced the year preceding, to produce certificates, in any city or town-corporate.

Sec. 17. Provided, that any person shall be deemed a competent witness, and be admitted to give evidence upon any information or complaint for any offence committed against this act; notwithstanding such person be an inhabitant of, or charged or liable to be charged to the payment of any rates or assessments for the relief of the poor of any parish or place, where such offence shall be committed.

By *stat. 26 Geo. II. cap. 13. sect. 12.* no justice of the peace, being a common brewer of ale or beer, inn-keeper, or distiller, or other seller of or dealer in ale, or any kind of spirituous liquors, or interested in any of the said trades or businesses, or being a victualler or malster, shall, during such time as he shall be such common brewer, inn-keeper, &c. or interested in any of the said trades or businesses, be capable, or have any power to grant any licence or licences to any person or persons whatsoever, for selling ale, beer, or any other liquors by retail; and in case any such justice or justices shall grant any such licence, the same shall be null and void.

By the statutes 1 *Ann. stat. 2. cap. 22. sect. 6.* and 6 *Geo. I. cap. 21. sect. 56.* all mayors, town-clerks, and other persons whom it may concern, shall make out ale-licences duly stamped, before the recognizances be taken, on pain of 10 l. half to the king and half to the prosecutor, with costs.

This stamp-duty, by *stat. 9 Ann. cap. 23.* is one shilling; and by *stat. 29 Geo. II. sect. 1.* every licence is charged with a further duty or stamp of 20 s. and by the last-mentioned act, *sect. 20.* if any person shall write any licence without such stamp, he shall forfeit 10 l. with costs, to be recovered as stamp-penalties; and the licence shall not be available till the duty shall be paid, and also a penalty of 5 l.

By *statutes 16 Geo. II. cap. 8. sect. 8.* and 24 *Geo. II. cap. 40. sect. 9.* no person shall retail any distilled spirituous liquors, without a licence from the officer of excise taken out ten days before, for which he shall pay 40 s. yearly. And by *statutes 16 Geo. II. cap. 8. sect. 11.* and 29 *Geo. II. cap. 12. sect. 22.* such persons shall be first licenced to sell ale or spirituous liquors by two or more justices of the peace. And by *statutes 9 Geo. II. cap. 23. sect. 14.* and 24 *Geo. II. cap. 40. sect. 28, 29.* the justice's clerk shall have 2 s. 6 d. and no more for such licence.

Stat. 29 Geo. II. cap. 12. sect. 23. If any person so licenced to sell ale, beer, or other exciseable liquors, shall die or remove from the *alehouse* or other place wherein such ale, beer, or other liquors, shall by virtue of such licence, be sold, it shall and may be lawful for the executors, administrators, and assigns of such person so dying or removing, who shall be possessed of such house or place, or the occupier thereof, to sell ale, beer, or other liquors therein during the residue of the term for

which such licence shall have been granted to the person so dying or removing, without any certificate from any justice of the peace, or any new licence to be had or obtained in that behalf, notwithstanding 26 *Geo. II.*

Sec. 24. In case any *alehouse* shall be empty or unoccupied after the general day appointed for licencing (the occupier whereof was duly licenced the year preceding,) it shall be lawful for any two justices of peace, at a petty sessions, to grant a licence to any new tenant or occupier, to open such house as an *alehouse*, and to sell ale there, till the next general licencing day, so as the said licence be stamped as herein directed.

Sec. 26. Every person who shall retail ale, beer, or other liquors, in any prison or house of correction, or workhouse to be appointed for the reception of poor persons, shall be deemed a keeper of a common *alehouse* or tipling-house, unless he or she shall obtain from the justices of the peace, according to due course of law, a licence to sell such beer, ale, or other exciseable liquor.

ALEGAR, four ale used by the dyers.

ALEMBIC, a chemical vessel for condensing the vapours which arise in distillation. Before the use of retorts became so common as at present, the general way of distilling was, to put the matter to be distilled into a vessel called a body, or gourd, and fit a head to it, in order to receive the vapour, which there condensing into a liquor, is conveyed by a tube, called the rostrum or beak, from the head into the receiver. This head is properly the *alembic*, and is called *alembicus rostratus*, to distinguish it from another sort of *alembic*, called *alembicus cæcus*, a blind *alembic*, which has no pipe or tube, being used to receive substances of a drier nature, which are sublimed into it out of the body. Sometimes, also, the *alembic* is perforated at the top, in order to permit part of the vapour to escape. Thus an *alembic* is properly the head of a distilling vessel, but it is now frequently used to signify the whole apparatus. See *CHEMICAL Laboratory*.

ALENTEJO, a province of *Portugal*, borders on the northern part of *Estramadura*, and of the river Tajo; eastward on the Spanish provinces of *Andalusia* and *Estramadura*; on the west it is bounded by the ocean, and part of the Portuguese *Estramadura*; and on the south by the little kingdom of *Algarve*. This country is reckoned the finest and most fertile of all *Portugal*; and its inhabitants, who are chiefly farmers, are very wealthy and industrious. It abounds not only with corn of all sorts, wine, oil, and fruits, sufficient for its own inhabitants, but likewise supplies some of the adjacent provinces; and this exportation is very much facilitated by a number of rivers, which fall either into the Tajo, or Guadiana, which two last great ones run quite across this province.

At *Elvas*, a city in this province, situate on the banks of the Guadiana, the Portuguese have of late erected a woollen manufactory; and the undertakers of that project imagine, that they shall be able to make a good progress, and to supply themselves with broad-cloths, fine druggets, and other stuffs, such as they have principally from England; they also intend to use all the oil of their own growth in this manufactory. But, as yet, they have only been capable of finishing some coarse and ordinary things, rather worse than the English kerseys, which serve chiefly for the clothing of the poorest of the people.

The inhabitants of *Portalegre*, another city of this province, have likewise made the same attempt as those of *Elvas*, and have succeeded no better hitherto. The country about this place produces a very great quantity of oil.

At *Esfremos* is a curious manufacture of red earthenware, formerly admired in England; and, though now out of fashion among us, is still in great vogue in *Portugal*. The potters that work it are very ingenious, and turn it into a vast variety of curious utensils; such as jars, bowls, tea-pots, and the like.

At *Monte Novo* is another curious manufacture of a particular earthen-ware, especially of cups, pitchers, and drinking-bowls, adorned with bright stones.

ALEPPO, the capital of *Syria Proper*, stands about sixty miles, or twenty-two leagues east from *Scanderoun*, in lat. 36. 30. east longitude 37. 50. It is the greatest

and

and most opulent city in all Syria, and justly esteemed the most considerable in all the Turkish dominions, next to Constantinople and Grand Cairo. It is built upon four hills, on the highest of which stands the castle, in the center of the town, surrounded with strong walls, built of large square stones, and flanked with large towers. This situation both of the city and castle is so healthy, and the air and sky so thin, serene, and delightful, that though the thermometer rises in June to the thirtieth degree, yet the people lie all night on their terraces and tops of houses from May to September without danger, or rather with peculiar pleasure; scarce a cloud being to be seen all that time, but a clear and bright sky over their heads. It has still a much greater advantage from this excellent situation, by being encompassed with a spacious, fertile, and delightful plain; but the greatest advantage it reaps, and that in an eminent degree, is from its convenient situation for commerce. Formerly, by means of its sea-port Alexandretta on the Mediterranean, as well as the gulph of Ormus on the Persian gulph, and the river Euphrates, which there falls into it, the Persians, Armenians, Arabs, and Indians from that side, used to bring to it all their rich merchandizes, consisting of jewels, silks, drugs, spices, and other commodities, which before the discovery of the navigation to the East-Indies, rendered that kind of commerce vastly richer than it has been since. It still, however, continues to be the mart for the richest commodities of Europe, which are brought hither chiefly by the English, Dutch, French, Venetians, and Genoese, by the Mediterranean, and hence conveyed to Persia, and other countries. And here also are found the best merchandizes from those parts, as raw silk, cotton, grograms, yarn, galls, and a great variety of drugs.

The English merchants have a consul at Aleppo as well as at Smyrna, and are civilly treated by the Turks, English cloths being in great esteem amongst them. The French, Dutch, Italians, Arabs, Persians, and Indians, have also their consuls, and all of them have free access to the government to complain of any injuries or grievances, which seldom fail of being redressed, especially if the application is attended with some considerable present; for the place of a Turkish governor or commandant is his harvest, and he never fails making the best use of the sun-shine.

The city is about three miles in circumference, has twelve gates, and three large suburbs, and is divided into forty-five wards. The suburbs are large and well built, and chiefly inhabited by christians of different denominations. The whole amount of the inhabitants, Jews, Turks, and Christians, in the city and suburbs, is computed at about 250,000 souls.

The kans or inns, the bazars, divans, and other public edifices of Aleppo, are in like manner very fair and elegant, and generally make a much better figure within than on the outside, being not only very richly furnished, but adorned with variety of marble work of different fashions and colours, with fret-work ceilings, golden inscriptions, and many other embellishments. The streets are well paved, except the bazars, where the merchants and mechanics have their shops, which indeed are narrow, and have only a foot causeway on each side, with a horse-road in the middle.

The rest of the houses are in general better built than they commonly are in most parts of Asiatic Turkey, being chiefly of white stone, one story high, with terraces and small domes on the top. The inhabitants are industrious, and carry on several considerable manufactures, particularly one of fine Turkey leather, which they suffer no stranger to see them prepare. Gall-nuts, especially that shell of them which they call *valanede*, is one of the principal ingredients in their leather dressing. Their manufactures of silk, choice camblets, and soap, are also very considerable.

Though the country in the environs of Aleppo is mountainous and rocky, yet it produces great plenty of corn of all sorts, particularly in the chalky vallies; but little grass or oats are met with, the ground being too dry, and for the better part sandy. The harvest begins about the end of April, or beginning of May. The lower grounds are covered with olive and other fruit

trees, culinary plants and pulse, and in short with the finest variety of every thing desirable in these respects, either for exquisite taste or beauty.

Two things (among others) are very remarkable in regard of trade: the one is the custom of making pigeons serve for messengers, to give advice of the ship's arrival, and other pressing affairs, which is done by taking them from their young ones at Aleppo, and sending them to Alexandretta, a little before it is supposed they may be wanted, which being let fly at this place, with a billet about their necks, return in three hours: the other thing remarkable is the prohibition to go from Alexandretta to Aleppo, any other way than on horseback; and the reason of it was to prevent sailors running a foot to Aleppo, and there spoiling the price of goods by their over-urgency in laying out their stock, which without this ordinance would be greatly diminished.

There is hardly any place in the three ancient parts of the world, from whence some merchants are not seen at Aleppo: besides the English, French, Dutch, and Italians, which reside there, the caravan-seras are always full of Armenians, Turks, Arabians, Persians, and Indians, which come in such numbers by the caravans, that although there are above forty of those public buildings, they hardly suffice to contain those, who only appear to transact some transient business, and who after selling their goods, return by the way they came, with their new purchases.

The merchandizes proper for this place, are the same as those for Smyrna, which see, and those which the ships reload, are silks of the country, and Persian cotton cloths of various sorts, and among others blue amians, auquilles, lizardes, those from Beby, others called linen antiquies, ajamis, and abundance of chintz, different cottons, and cotton threads, galls, cordovans, soap; many species of silk stuffs, and those admirable camblets before-mentioned.

ALEXANDRETTA, now called *Scanderoon*, the port of Aleppo, is situate on the gulph of Ajazzo, near the sea-coast, in latitude 36. 34. east longitude 36. 40. It stands on such a marshy and unhealthy ground, that at present it is but a confused heap of wretched wooden houses, inhabited mostly by Greeks, who entertain all the seamen and ordinary travellers that come hither: as for merchants and persons of higher rank, they are generally lodged by the consuls of their nations, who have built themselves handsome houses about a mile or two from the town, which are now encreased so as to appear like a little city. During the hot months, few, who have the misfortune to come here, escape being seized with some acute disease, if they do with their lives. The very inhabitants are forced to retire to the village of Beylan, situate on a high hill, about four leagues off, and abounding with fresh water, and excellent fruits. This hill has an opening which yields a free passage to the north-east wind, and when it blows hard, all the vessels in the harbour commonly weigh anchor, and make to the open sea, to prevent being dashed in pieces.

This port has a governor and some few soldiers, and is defended by an old castle, but of small use were it to be attacked by any force; inasmuch, that it is a matter of wonder that the pirates, who swarm on this coast, never attempt it. Pigeons, as mentioned in the article of Aleppo, taught to fly with letters about their necks, keep up an expeditious correspondence between Aleppo and this place; so that the rise and fall of merchandizes are soon known in both. The country round Alexandretta is flat and very fertile, and beyond it is a spacious plain, called the plain of Antioch, watered with a number of little rivers, brooks, and canals, and abounding with most necessities of life, particularly with cattle, which are turned in there to fatten.

ALEXANDRIA, E. lon. 31. 15. lat. 30. 40. a great city and port town of the Lower Egypt, in Africa, situate 14 miles west of the most westerly branch of the river Nile, and 120 miles N. W. of the city of Grand Cairo. The old town was about seven miles in circumference; built by Alexander the Great, and still called *Scandria* by the Turks; but, except one long street which faces the harbour, it is only a heap of ruins at this day; there is little left standing but part of the walls,

walls, which have great square towers, at 200 paces distance, and a little tower between them; every one of the great towers could contain 200 soldiers, and had a cistern in it, to which the water of the Nile was conveyed; and the cisterns still serve to retain the rain water, and what is brought to them from the Nile; for Alexandria stands in a barren, desert country, where there are neither springs nor rivers, though it was once the capital of Egypt.

Alexander lived too short a time to be a witness of the happy and flourishing state, to which commerce would elevate this city. The Ptolemies, who after his death had Egypt for their part of his conquests, took care to support the infant trade of Alexandria, and soon brought it to such a degree of perfection and extent, as to bury in oblivion both Tyre and Carthage, which, during so long a time, had carried it on, almost alone, and had reassembled to them the commerce of all other nations.

This sudden success of the commerce of Alexandria, ought not to occasion much surprize, when reflection is made on its happy situation, which rendered it so commodious to be the depository of all merchandizes from the east and west.

This famous city had on one side a free commerce with Asia, and all the east, by the Red Sea; the same sea and the Nile gave her entrance into the vast and rich countries of Ethiopia. The commerce of the rest of Afric and Europe was open to her by the Mediterranean; and, if she would carry on the interior commerce of Egypt, she had besides the conveniency of the Nile, and canals made by the hands of men, works immortal, and almost incredible, of the first Egyptians! She had also the help of caravans, so convenient for the safety of merchants, and for the transportation of their merchandizes.

There was added a large and safe port, where foreign vessels arrived from all parts, and whence departed incessantly the Egyptian vessels, which carried their merchants and commerce to all parts of the known world.

It was this conveniency of depositing merchandizes at Alexandria, that spread through all Egypt those immense riches, which rendered their kings sufficiently powerful to support themselves, for more than an age, against the Romans, who endeavoured, from time to time, to subdue so fine a kingdom; riches so considerable, that historians affirm, that the product only of the customs of importation and exportation, upon the merchandizes that passed the Custom-houses of Alexandria, amounted annually to more than thirty millions of livres, or about 2,225,000 l. sterling, though the major part of the Ptolemies were moderate enough in the imposts which they laid on their people.

Before the battle of Actium, the Romans had always found, in the spoils of the nations they had subjected, wherewithal to fill the treasury of the republic; and, at the same time, to furnish a sufficiency for the expences, in which the plan of an universal monarchy continually engaged them.

These resources beginning to fail them, the commerce of Egypt seemed very proper to support by its riches (and as I may say, by its credit) the reputation and empire of Rome.

From the time that Augustus had reduced this kingdom to a province, he earnestly endeavoured to make the trade of Alexandria flourish more than ever, and at the same time he augmented that which the Egyptians had always maintained, or carried on in Arabia, the Indies, and to the most remote parts of the earth, by way of the Red Sea.

Alexandria become Roman, was only inferior to Rome itself, in grandeur, and in number of inhabitants. The magazines of the capital of the world were no longer filled but with the merchandizes which came to it from the capital of Egypt; and very soon neither Rome, nor all Italy subsisted, but by the corn and other provisions brought to it by the merchants and Egyptian fleets; and that in so great a quantity and abundance, that an historian (Josephus) affirms, though doubtless with some exaggeration, that Alexandria yielded more riches to the treasury of Rome in one month, than all Egypt in a year. Though if Pliny's calculation is to be credited,

the profits of the commerce of Egypt amounted yearly, for Rome, to 125,000,000 of crowns French money; and these estimated at 54 d. to about 28,125,000 l. sterling; that is to say, a hundred times more than the Romans employed, whose ordinary expences did not amount to above 1,125,000 crowns.

This great trade (which soon made that of all the other provinces of the empire flourish) augmented constantly, and made the senate determine to maintain it, by the corporation it established in Rome, for *trade* and *traders*, by the laws which it made in their favour (or rather by those of the Rhodians, which it adopted, and which are long since become a species of the law of nations, for the navigation and commerce of the Mediterranean) by the magistracy it encharged with their execution, and by the protection which it afforded to the merchants, as well strangers as Romans, in all the extent of the empire.

Alexandria, notwithstanding, had in the end the fortune of Tyre and of Carthage. Trade had raised her, and the fall of her trade overset her. The Saracens, who seized on Egypt in the reign of Heraclius, having by their fierceness driven away the merchants, who love tranquility and peace, this city, which then held the first rank after Rome and Constantinople, hardly preserved any thing of its ancient splendor; and though it afterwards regained some vigour under the sultans, and the same now from the christian nations, which carry on the Levant trade, and maintain a tolerable good business; it is, however, no longer possible to know again that ancient Alexandria, so famous, which by its trade was, for so long a time, the glory and support of an empire; and which, in truth, though founded by arms, received its principal strength from commerce. See EGYPT and CAIRO.

ALEXIPHARMICS, properly signify remedies to expel or prevent the ill effects of poisons taken internally. But as some of the moderns have imagined that the animal spirits in acute distempers, were affected by a kind of malignant poison, *alexipharmics* have been understood to mean remedies adapted to expel this poison by the cutaneous pores in the form of sweat. And in this sense *alexipharmics* signify the same as *sudorifics*. The most efficacious medicines of this kind owe the virtue of their operation as well to the power they possess of increasing the systaltic motion of the heart, and the elasticity of the arteries, as to the number and force of their vibrations, by which means, a greater velocity being added to the circulation, they protrude the perspirable matter through the outward and porous substance of the skin. This they perform either by a subtile, acrid hot oil, or by a volatile empyreumatic salt, of an igneous nature; or by an acrid, resinous salt, more or less fixed; or lastly, they act, and that very powerfully, by means of a very fine mineral salt and sulphur, by which they rouse the nervous fibres to a violent motion.

The very active sudorifics, or alexipharmics, rarely find a place in medicine, and are not to be administered but with singular caution. For a sweat never rises in a healthful and natural state, unless the blood is put into an extraordinary motion; nor when this happens is it a sign of health, like insensible perspiration, the matter of which is void of acrimony, watery, resembling the nutritious juices, and almost destitute of taste or smell, differing very much from sweat, which is of a salt taste, a fetid smell, and approaching the nature of urine. Besides, sudorifics excite a great commotion, and orgasm; for they act not with moderation, but rapidity; whence it comes to pass, that in bodies replete with blood, or contaminated serum, by impelling the fluids with too much violence to the small and narrow vessels, they bring on dangerous and acute symptoms, occasioned by the inflammation and redundancy of humours. But they are particularly hurtful where the *prima viæ* are obstructed by a load of vicious humours, where the body is costive, and when they are administered immediately after a violent fit of anger. Hoffman.

ALEXITERIALS, properly signify helps or remedies, and in this sense the word is used both by Hippocrates and Galen; but later writers have applied it

to external remedies against the bites of venomous animals, and even to amulets and charms directed to be wore with a view of preventing the ill consequences of poisons, &c.

ALFANDIGA, the name of the Custom-house at Lisbon, the capital of Portugal. Here are paid the duties of import and export as is practised at the Custom-houses of other countries. All gold or silver lace, fringe, ribbons, are there seized, as contraband goods; no person whatsoever in Portugal being suffered to have gold or silver worn or spun upon his cloaths or furniture.

ALGA, *Sea-wrack*, in botany, the name of a sea-plant, which grows in great quantities along the shore of the Mediterranean-sea, and other places. Its leaves are about a foot and a half long, smooth, soft, and easy to break; sometimes white, sometimes red, or of an obscure green.

It contains a great deal of fixed salt, for which reason they use it in making glass instead of kali.

ALGARVE, a little kingdom within that of Portugal. It is wedged in by the ocean on the west and south; on the east by the Guadiana, which parts it from Andalusia; on the north by mountains called Serra de Algarve, or Colderao, and Serra de Monchique, which divide it from Alentejo; so that it is but 98 miles in length, where longest; and but 28 in breadth, where broadest.

The country though very mountainous in most parts of it, is yet very fertile. It doth not indeed produce any great quantity of corn, but abundance of wine, oil, figs, raisins, dates, almonds, pomegranates, and other fruits, though not so exquisitely tasted as those of Spain; and, as the palm-trees are here in great abundance, the poor people employ themselves in working the leaves of them into a variety of knacks; but, in the main, the country is nothing populous or wealthy, nor their cities and towns very remarkable for any tolerable share of trade.

Lagos, one of the cities of Algarve, is about 110 miles south from Lisbon, and 25 east from cape St. Vincent. It is seated on a large bay, that opens southward to the ocean, and where fleets have anchored during the war with Spain in queen Ann's time. Figs are one of the chief commodities of the kingdom of Algarve, and are shipped off at Faro and Figuera in this bay, or near it. This country is exceeding fruitful, and the figs in particular are not only the best, and the best cured for merchandize of any we find, either in Spain, or on the coast of Barbary, but there is the greatest quantity: for the English, Dutch, Flemings, and Hamburgers, fetch them in great quantities; and it is said, that there are frequently forty or fifty ships a year, which are laden with figs in this little country.

ALGEROTH, a preparation of antimony and sublimate, so called from Algerothos, a physician of Verona. It is now generally called *mercurius vitæ*, mercury of life.

ALGIER, a kingdom of Africa, is bounded on the east by Tunis, on the west by the kingdom of Fez, on the north by the Mediterranean, and on the south by the deserts of Biledulgerid. It enjoys a constant verdure; for in February the leaves begin to bud, and in April they shew their fruit in full growth, which are mostly ripe by May. The grapes are fit to gather in June; and the figs, peaches, nectarines, olives, nuts, &c. in August. The soil is various, many parts being dry, hot, and barren; others fertile in corn and fruit; and others in excellent pasture grounds. The towns, even along the sea-coasts, are but few and thinly peopled, except the metropolis. The Algerines are very great pyrates, and reckoned the most dangerous of all Africa. They are extremely avaricious and cruel to those that fall into their hands, especially to the christians. In the city of Algier, the capital of the whole kingdom, are merchants of several nations, and so numerous, that they amount at least to 3000 foreign families, which have settled there on account of trade, and keep above 2000 shops in the two bazars of the place. The Jews, whose number amounts to 8000, dwell together in a particular quarter, and almost the whole trade here passes through their

hands. The greatest commerce of the Algerines consists in the merchandize which they obtain by the pyratel plunder of the christians over the whole Mediterranean, and in part of the ocean. The Corsairs are continually bringing in prizes, with great numbers of christian slaves. Their marine is so strong, that they fit out every year to the amount of twenty-three vessels, with three or 400 men each.

ALGIER PROPER, is bounded on the east by Bugia, on the west by Tenez, by the Atlas on the south, and by the Mediterranean from the mouth of the Chinelof to the northern confines of Bugia. The territory of Algier is fertile in fruits, and the plain of Moligia produces corn, barley, and oats, two or three times a year, besides other grain. The melons are of an exquisite taste, some of which ripen in summer, and others in winter. Their vines are very large and thick, and the bunches of grapes commonly a foot and a half long.

Every Turkish vessel, of what nature or bigness it be, pays 20 piafters for anchoring in the harbour of Algier, the capital.

The christian ships, large or small, pay each 40 piafters, when their princes are at peace with the republic. They whose sovereignty is at war with Algier, may go thither on paying 80 piafters: they having nothing to fear, as soon as they are in the harbour; but at sea, either going thither, or coming from thence, they are liable to be taken, as usual.

The produce of this duty for anchoring, is divided between the dey, the grand writers, the aga-bachi, who is upon duty for searching or visiting the marine, the interpreter or linguist of the factory, under the protection of whom the vessel is, and the Spanish hospital; every one has a share as settled by the regulation. It is the interpreter's business to make the distribution, and give every one his proportion.

The duty of importation on all merchandize, belonging to Turks, Moors, or Jews, is $12\frac{1}{2}$ per cent. and of exportation $2\frac{1}{2}$.

The English, since the taking of Oran, have obtained a diminution of the duty of importation, and pay but five per cent. The French obtained the same favour, by an article inserted in the ratification of the treaty of peace, concluded the 27th of January, 1718, by the commodore count du Quesne.

Money pays always five per cent. for importation, except that which is designed for the redemption of slaves, which pays but three per cent.

All brandies, or spirituous liquors and wines pay, without any distinction, four current piafters per cask for importation.

The company of the Bastion de France is allowed the cargo of two barques every year, without paying any duty. See BASTION of France.

The coin, or species current of Algier, and struck there, are the gold sultanis and the aspers; and a small coin called burbas, six of which make an asper, and the doubas, a silver coin, worth a little above three livres French money.

Foreign species current at Algier, are Venetian sequins, sultanis of Morocco, gold coin of Portugal, Spanish pistoles, and piafters.

The currency of the coin is not fixed, but varies according as the government requires it, yet the difference is but small. Foreigners reckon the value of those species, according to the price of bullion in Europe.

There is nothing fixed or settled, but the *patack chique*, or patack of aspers, which is an imaginary money, always worth 232 aspers. The third part of a current piafter, which is commonly called *patack gourde*, weighs about two piafters and a half; but its weight is sometimes increased or decreased, arbitrarily, as the dey pleases.

There are money-changers at every corner of the streets, who are Moors. They change other species of coin for aspers, without any profit but the base or counterfeit aspers, which they know how to slide amongst the good ones; and people do not take much notice of this, nor is it an easy matter for others to distinguish the good from the bad aspers.

When a person receives a sum of money, he sends for one of these money-changers to examine the species, in which they are very expert, by their daily practice and occupation.

The merchandize for importation consists in gold and silver stuffs, or tisfues, damasks, drapery goods, spices, tin, iron, copper, lead, quicksilver, small cordage, bullets, common linens, sail-cloth, cochineal, tartar, alum, rice, sugar, soap, gall-nuts of Aleppo and Smyrna, cotton in the wool and spun, copperas, aloes, Brazil wood, Campeachy, or logwood, cummin, vermillion, arsenic, gum-lack, anise of Malta, sulphur, opium, mastic, farsaparilla, oil of lavender, common frankincense, gall-nuts, honey, wool, paper, combs, cutlers ware by sets, old and new cards for cardings, and dry fruit.

There is but a very small quantity of those merchandizes sold at Algier, though the country always wants them, because there are duties to be paid; and it is difficult to get one's money after the sales, the returns being uncertain, and insults and oppressions very frequent.

They who have any occasion for any of these commodities, wait 'till the last extremity; being always in hope that some prize will soon arrive, laden with what they want, which happens very often.

There is less hazard in carrying piafters thither, because you may run them without much difficulty, and strike very good bargains with the dey, when there is a plenty of prizes.

Merchandize for exportation consists of ostrich feathers, wax, leather, copper, rough wool, woollen coverlids, embroidered handkerchiefs, silk girdles after the Turkish fashion, dates, and christian slaves.

We meet sometimes with all sorts of commodities, brought in with the prizes.

The vessels whose flag is free, that is to say, whose states are at peace with those of Barbary, meet sometimes at Algier with a cargo for Tetuan, Tunis, Tripoli in Barbary, Alexandria, Smyrna, or Constantinople.

The trade, carried on for some years past at Algier, is but trifling. The French have had little; the company of the Bastion of France, who had the liberty to send two cargoes thither every year, having sent none these several years, because they could not procure payment of the last merchandize they had imported thither.

The Jews of Leghorn engrossed, for some years, the small remains of trade at Algier, by means of one of their nation called Solomon, and surnamed *Jacquet*, who lived a great while at Algier, where he died in the beginning of the year 1724. He was a very artful intriguing man, who, by many unfair practices, had gained the confidence of the reigning powers, under a pretence of being very zealous for the dey's interest. He fitted out ships for cruising, and was farmer of the wax; for it must be observed, that the Turks, and even the Moors in the cities, look upon that employment as a disgrace, and upon all the farmers of duties or taxes, as publicans, or usurers. He used to give notice of all that passed in Christendom, and had managed so well by his correspondence, that the christian slaves could hardly be redeemed by any other person but himself. This was to obtain advantageous commissions, and secure to himself all the profit there was to be made, on the difference between the piafters of Algiers, and those that are current in Europe.

When he knew there was a bargain on foot for the redemption of slaves, he used to outbid the others, till they were tired, and forced to apply to him. He was favoured therein, as in all other things, by the state, and was looked upon as one of the chief supports of the country.

The English consul, who is the only merchant of that nation at Algier, has the most profitable trade: he sells to the republic powder, shot, bullets, grenades, hatchets, anchors, cordage, and other warlike stores, when he wants them; and the dey gives him, in return, oil, corn, and other provisions, the exportation of which is prohibited to all others.

There is a French consul, under whose protection the foreign Jews, the Greeks, the Armenians, and others, put themselves, and apply to him in their several disputes. This consul is forbidden to carry on any trade, either directly or indirectly.

There was formerly a factory and consul for the United Provinces; but he retired in the year 1716. The Algerine corsairs taking at that time hardly any prize, the militia caused the divan to meet, and there represented, that they no longer met at sea with any ships of the enemy, all those they happened to see being either English, French, or Dutch; and that, the country not being able to subsist without prizes, it was necessary to declare war with one of these three nations by a majority of votes.

Accordingly it was declared against Holland; whereupon they immediately stopped a vessel of that nation, which was in the harbour, and the dey sent orders to do the same in all the ports of the kingdom. He allowed the Dutch consul as much time as he pleased, to settle his affairs; and affected to pity and solace him. This consul was a great friend of the dey, and had a very fair reputation amongst the Christians, the Turks, and the Moors.

The principal provinces of trade in this kingdom are,

1. *Bona* province, bounded upon the north by the Mediterranean, on the east by Tunis, on the south by Constantina, and on the west by Labez. This country is fertile in corn and fruit, particularly in the jubub-tree, which covers a great part of it. They breed likewise quantities of cattle, large and small, but are so exposed to the continual incursions and rapines of the Arabs, that only a small part of the mountains is inhabited. Six miles east of the town of Bona is a fort, called the Bastion of France, and is kept by the French, who have their magazines of corn and other commodities, and apartments for those who are concerned in them. The road for ships is very bad before the town of Bona; but a little further westward, where the Genoeese fort stands, it is deep and safe. On the east side of the bay of Bona, the Genoeese have a coral fishery.

2. *Constantina* province, borders on the east to part of Tunis and of Bona, having the kingdom of Labez on the west, on the south the Atlas, and the Mediterranean and part of Bona on the north. It hath a fruitful soil, the low lands abounding in corn, fruit, &c. and the mountains with pasture grounds.

3. *Gigeri*, or *Fijel* province, reaches to the frontiers of Numidia, and upon the sea-coasts, having Bona on the east, Conquo, and Algiers on the west, and Labez on the south. It is mostly dry, mountainous, and barren, producing nothing but some little barley, flax, hemp, and a few nuts. The inhabitants of this province are so like a great many of our coasters in Cornwall, Suffolk, &c. that they spare no wrecks at sea, let them be friends or foes; only, if the crew be Mahometans, they give them some small viaticum, to bring them on in their way home; and even if the ships belong to the Turks, or to the allies and friends of the dey of Algier, he can save nothing of it to the owners by any other means than a friendly composition: whereas, on any other coasts but those of *Gigeri*, both the dey, his agas and officers, will interpose their authority in favour of their friends, though it often happens even there, that their assistance comes too late to be of any service to the sufferers. The inhabitants of the town of *Gigeri* live chiefly on these wrecks.

4. *Bugia* province, by the Africans called *Buggaya*, or *Buggia*, lies also on the Mediterranean, east of Algier, and has the mountains of Labez on the south, the *Gigeri* and part of Constantina on the east. The soil is poor and dry, and bears but little wheat, but a good deal of excellent fruit and good pasture. The wealth of the inhabitants consists in fruit, cattle, and hempen and flaxen cloth. The money they use is made of pieces of iron, weighing about half a pound, and small pieces of silver of about four grains.

5. *Labez*, a kingdom, lies on the south of Bugia, having Tunis on the east, Conquo on the west, and Mezezeb on the south. It is very mountainous and barren,

barren, having but little corn or fruit growing in it; and in most parts scarce any thing but a kind of sword-grass, with which they make their mats, called by the Arabs, *Labez*, from which the country hath got the name. It is stiled a kingdom, because, having been formerly such, it still retains its ancient title, though only a tributary province of Algier.

6. *Conco*, or *Conquo*, adjoins on the west to that of *Labez*, and is inhabited mostly by the Bereberes and Azuages, who are so fond of liberty, and afraid of being reduced to hard slavery, like most of their neighbours, that they chuse to lead a poor indigent life on their almost inaccessible mountains, rather than pay some small tribute to the government of Algier; and, in all other cases, avoid all traffic or commerce with them. The country produces plenty of fruit, hemp, flax, honey, wax, cattle, and corn enough for their use. The higher mountains have also mines of salt-petre, and iron, and the king's revenue is computed at 700,000 ducats.

7. The province of *Beni-Araxid*, or *Beni-Razid*, is one of the dependencies on Algier; the south of which is a plain champaign country, and the north very mountainous, but interlaced with fertile vallies, abounding with corn, honey, and pasture-grounds; and the whole province producing plenty of jububs, figs, and other excellent fruits. One part of its inhabitants dwell in towns and villages upon the mountains, and cultivate their corn-fields, vineyards, and fruits. The other, which inhabit the plains, range about from place to place like the Arabs, and are richer in cattle, camels, horses, &c. The chief towns are,

Beni-Arax, which hath a great number of persons of quality and wealth.

Calaa hath a good number of merchants and artificers, who live very comfortably.

El-Mohajcar, hath a market every Thursday, to which the Bereberes, Aruages, and Arabs, repair to sell their cattle, corn, barley, dried-figs, and raisins, honey, wax, oil, &c. and the merchants of Tremecen their cloths, linen, camlets, bridles, saddles, and other such commodities.

The territory about *Batha* is covered with the finest fruit-trees, and is very well cultivated.

8. *Miliana*, or *Magnana* province, is situate on the south and east of *Algier Proper*, and joined on the west to *Beni-Araxid*; it is inhabited mostly by a rude people, whose chief business is weaving of linen cloths, and making of saddles, after the Morocco fashion.

9. *Tenez* province, hath *Algier Proper* on the east; Tremecen on the west, of which kingdom it was formerly a part; the Mediterranean from the mouth of the river Chiles, or Cartena, to that of Aslafran on the north; and on the south it reaches quite to mount Atlas. The soil is generally very fruitful, producing plenty of corn, cattle, wax, honey, and variety of fine fruit; but the natives are uncivilized and morose, though they drive a great commerce with strangers; whereas, the Arabs, though very ignorant, are of a contrary disposition. They are stout and brave, and very impatient under the Turkish yoke. There is over-against the city of *Tenez* a small island, under which the vessels that trade to it shelter themselves in tempestuous weather. The inhabitants have, in conjunction with the brave Arabs above-mentioned, made some noble efforts to shake off the Turkish yoke, but hitherto in vain.

10. *Oran* province, on the Mediterranean coast, has *Harifgal* on the west, *Tenez* on the east, and is bounded on the south by Tremecen: it is as fruitful as most of the provinces.

The town of *Oran* stands about a musket-shot from the sea, and is well fortified.

11. *Tremecen* province, reaches, in length from east to west, from the confines of *Anga* to those of *Fez*, and from north to south, from the sea to the desert of *Atlas*. The country is very well watered, and produces plenty of corn and variety of fruits and cattle, especially on the north side: the rest towards the south is more dry, barren, and sandy, and even the parts adjacent to the capital are mostly desert, which is the reason why there are so few towns in this province. But those that are in it, are generally well seated, built, and inhabited, and the

people in good circumstances. Those who live in the more desert parts of this province own no subjection to the deys of Algier, but ramble where they please, and will trade with the Christians in a friendly manner. The merchants of this province trade chiefly into the country of the Blacks, where they exchange their merchandize for tibar, gold, ambergrease, musk, civet, African bezoar, elephants-teeth, negro slaves, &c. and this traffic is so advantageous to them, that two or three such journeys are sufficient to enrich a man; and so it hath need, considering the length and difficulty of it through such vast sandy deserts, and the danger they run from the sands, heat, and drought, and especially from the plundering Arabs. The inhabitants of the towns here are well-bred and courteous. The chief town is,

Tremecen, situate about thirty-five miles from the Mediterranean, which grew to a considerable height of splendor and opulence under its kings, but is much decayed, since it hath been under the Turkish yoke. Within its circuit are still made great quantities of oil, and excellent grapes dried, and sent abroad. In the city are variety of manufactures, especially those of woven cotton, silk, and linen carpets, &c. in the neatness of which they excel to a great degree, insomuch that some of their mantles will scarcely weigh ten ounces. They are likewise famed for their fine saddles, stirrups, bridles, &c. which are made after the Moreisco fashion. See AFRICAN COASTS.

ALGORITHM, the four principal rules of arithmetic, viz. addition, subtraction, multiplication, and division.

ALICANT, W. long. 30 min. lat. 38. 35. a large sea-port town in the province of Valencia in Spain, the castle on a high rock, and almost impregnable. It is situate 60 min. south of Valencia, and about as many north of Carthage, and has a great foreign trade in wine and fruit. The castle was taken by the English in the year 1706, and held out a siege of two years almost, against the French and Spaniards; and surrendered, at last, upon honourable terms, after part of the rock, on which the castle stood, was blown up, and the governor killed.

ALICONDE, an Ethiopian tree, from which a flax is prepared, and linen made.

ALIEN is one born in a strange country, out of the allegiance of the king, being quite contrary to *denizen* or natural subject; though a man born out of the land, provided the place of his nativity be in any of his majesty's dominions beyond-sea, or born of English parents, out of the obedience of the king, if the parents at the time of his birth were of such obedience, is no *alien*. 25 *Edw. III. cap. 2.*

And if one born out of the king's obedience, come and reside in England, his children begotten and born here, are not *aliens*, but *denizens*. 7 *Rep.*

All persons being the king's natural born subjects, may inherit, as heirs, though their ancestors were *aliens*. 11 and 12 *Will. III. cap. 6.*

If an ambassador have any children in a foreign country, by a wife, who is an English woman, they are by the common law natural born subjects, and not *aliens*.

And if an English merchant residing beyond-sea, marries a woman of the country, by whom he has a child, and then dies, this child is born a *denizen*, and shall be heir to him, notwithstanding the wife be an *alien*. *Cro. Car. 605. March 91.*

Those which are born in the English plantations, are subjects born, as are those likewise born on the king of England's seas. *Danv. Abr. 324.*

There are two incidents that are regularly necessary to make one a subject born: first, that his parents at the time of his birth, be under the actual obedience of the king; or, secondly, that the place of his birth be within the king's dominions. 7 *Rep. 18.*

It is the place of birth that makes the disability of an *alien*, to have lands, &c. the blood is not the disability, but the place where born. *Cro. Jac. 539.*

An *alien* can hold no land by descent or purchase, or be tenant by the courtesy, or in dower. 5 *Rep. 502.*

An *alien* may purchase a house for years, for an habitation during his residency, necessary for his trade, (though not lands) and if he, being a merchant, leaves the realm, the king shall have the lease; and if he dies here possessed thereof, his executors, or administrators, shall not have it, but

but the king, he having it only as a habitation for his trade; and if an *alien* be no merchant, the king shall have his lease for years, though it were for his habitation. 7 *Rep.* 18. 1 *Inst.* 2. 129. 2 *Inst.* 741.

The law is the same if he takes a lease of meadows, lands, woods, or pastures; the king shall have the same, for the law provides him nothing but an habitation, to trade and traffic in as a merchant. *Pafch.* 29 *Eliz.* Sir *James Croft's Case* by the Judges.

An *alien* can have no real, or personal action for, or concerning lands, tenements, or hereditaments, to him and his heirs; albeit, he can have no heir, yet he is of capacity to take a fee-simple, but not to hold; for the king upon office found shall have it by his prerogative. 1 *Inst.* 2.

A devise of lands to an *alien* is void. 4 *Leon.* 82.

And if a man be bound to an *alien* enemy, in an obligation, the bond is void to him, but the king will have it. 1 *Lev.* 59. *Danv. Abr.* 322.

Aliens may obtain goods, and personal estate, by trade, &c. and may maintain actions for the same; they may also have action of assault and battery, and for support of their credit. 1 *Bull.* 134.

But they cannot bring any real action, unless it be for a house, for a necessary habitation, being for the benefit of trade. 7 *Rep.*

And an *alien* enemy cannot maintain any action whatsoever, nor get any thing lawfully within this realm. *Terms de Loy.* 36.

Aliens living under the protection of the king, may have the benefit of a general pardon. *Hob.* 271.

No *alien* shall be returned on any jury, nor be sworn for trial of issues between subject and subject, &c. but where an *alien* is party in a cause depending, the inquest of jurors are to be half denizens and half *aliens*; but in cases of high-treason, this is not allowed. 2 *Inst.* 17.

An *alien* shall not have any vote in the choice of knights of the shire, or burgesses to parliament. *Hob.* 270.

And all *aliens* are incapable of being members of parliament, enjoying offices, &c. 19 *Will.* III. cap. 2.

If an action is brought against an *alien*, and there is a verdict and judgment against him, yet he may bring a writ of error, and be plaintiff there, and that such plea is not good in that case. 1 *Brownl.* 42.

Though an *alien* may purchase and take that which he cannot keep or retain, yet the law hath provided a mean of inquiry before he can be divested of the same, for until some office be found, the freehold is in him. *Goldsbour.* fol. 29 *Mich.* 30 *Eliz.* *Coke* 5 part. *Page's case*, fol. 52.

And this office, which is to gain the king a fee, or freehold, must be under the great-seal of England, for a commission under the exchequer-seal is not sufficient to entitle the king to the lands of an *alien* born, for the commission is what gives the king a title, for before that he hath none. *Moore* 4. *Walton* ver. *Masbum*.

An *alien* cannot purchase lands for his own benefit, but he may for that of the crown; therefore if land be devised to an *alien*, the crown shall have it; yet if an *alien*, tenant in tail, suffers a common recovery before office found, the recovery is good. *Dyer* 282. *Lucas's Rep.* 91, 94, 120, 122, 124, 136.

If an *alien*, and a subject born, purchase lands to them and their heirs, they are joint-tenants, and shall join in a seizure, and the survivor shall hold place till office found. 3 *Cro.* 123. *Plowd. Com.* 477.

By the finding of this office, the party is out of possession, if the same be of houses or lands, or such things as do lie in livery; but of rents, common, advowsons, and other inheritances incorporeal, which lie in grant, the *alien* is not out of possession, (be they appendant or in gross) therefore if an information or an action be brought for the same, the party may traverse the office, in that court where the action or information is brought for the king.

And if the king obtains not the possession within the year after the office found, he cannot seize without a *seire facias*. 29 *Affize*, 30, 31, 32. *Affize Travers.* 32.

An *alien* infant, under the age of twenty-one years, cannot be a merchant-trader within this realm, nor can he enter any goods in his own name at the custom-house. 13 and 14 *Car.* II. cap. 11. *scil.* 10.

If an Englishman shall go beyond-sea, and shall there swear allegiance to any foreign prince or state, he shall be

deemed an *alien*, and shall pay the same imposition as they; but if he returns and lives in England, he shall be restored to his liberties. 14 and 15 *Hen.* VIII. cap. 4.

An *alien* enemy commorant here by the king's licence, and under his protection, may maintain debt upon bond, although he came not with safe-conduct. *Lord Raym.* 282.

The eldest son of an *alien* (being also an *alien*) cannot inherit, but the land shall descend to the younger brother, if a denizen; as for instance, if there be three brothers, of which the eldest is an *alien*, the other two naturalized, and the middle brother purchases and dies without issue, the younger brother shall have the land. *Cro. Jac.* 539. *Dr. and St. Di.* 1. cap. 7.

Concerning the rule of descent, a proximity of blood is not so much to be regarded as the municipal laws of the country in which the question ariseth, for the several laws of divers kingdoms have variously disposed the manner of descents, even in the same line and degree of nearness; for instance, the father certainly is as near akin to the son, as the son is to the father, and is nearer in proximity than a brother, and therefore shall be preferred as next of kin in administration to the son's estate.

According to the laws of England, the son's dying without issue, or brothers or sisters, the father cannot succeed, but it descends to the uncle. *Lit. f.* 3.

There are two kinds of descent, according to the common law of this realm, 1 *Inst.* 10. viz.

1st. *Lineal*, from the father, or grandfather, to the son, or grandson; and 2dly. *Collateral*, or transversed; as from brother to sister, uncle to nephew, and *e converso*: and both these again are of two sorts:

1st. *Immediate*, as in lineals, from father to son;

2dly. *Mediate*, as in lineals, from grandfather to grandchild; where the father dying in the life-time of the grandfather, is the *medium differens* of the descent collateral; as in lineal, from uncle to nephew, or *e converso*. *Haley's History of the Law.* cap. 1. *Grat. de Jure Belli ac Pac.* lib. II. cap. 7.

And this mediate descent, or mediate ancestor, though to many purposes it may be immediate; for the father dying in the life-time of the grandfather, the son succeeds in point of descent in the lands immediately to the grandfather; and in a writ of entry shall be supposed to be in the grandfather, and not in the *post & cui*.

This is called a mediate descent, because the father is the *medium* through whom the son derives his title to the grandfather.

In *immediate* descents there can be no impediment but what arises in the parties themselves; for instance, the father seized of lands, the impediment that hinders the descent, must be in the father or son, as if either of them be an *alien*.

In *mediate* descents the disability of being an *alien*, in him that is called the *medius antecessor*, will disable a person to take by descent, though he himself have no such disability.

In *lineal* descents, if the father be an *alien*, and hath issue a denizen born, and die in the life-time of the grandfather; the grandfather dies seized, the son shall not take, but the land shall *escheat*.

In *collateral* descents, A and B brothers: A is an *alien*, and has issue C, a denizen born; B, purchases lands, and dies without issue; C shall inherit, because A, which was the *medius antecessor*, or *medium differens*, is incapable. *Dyer* 274. *Gray's Case*.

But in any descents, the impediment in an ancestor, who is not *medius antecessor*, from whom, and to whom, will not impede the descent.

As for instance; the grandfather and grandmother being both *aliens*, have issue, the father, a denizen, who hath issue the son, a natural born subject; the father purchases lands, and dies, the son shall be heir to the father, notwithstanding the disability of the grandfather (and yet all the blood that the father hath, is derived from his disabled parents) for they are not *medii antecessores*, between the father and the son, but *paramount*. *Courtney's Case. Common Pleas. Ceron.* fol. 141.

The law does not hinder, but that an *alien* is of the same degree and relation of consanguinity, as natural born subjects, or denizens born, the son, the father, and brother, though

aliens; the son, father, and brother, our law takes notice of as well as natural born subjects; and so it was adjudged, for he shall be preferred in administration, though an *alien*, as next of kin. *Crook. Car. 8, 9. Carson's Case.*

But in cases of inheritance, the law takes no notice of him, and therefore, as he shall not by descent, so he shall not impede the descent to the younger brother; as for instance, A an *alien*, B and C naturalized by act of parliament (all brothers) B purchases lands, and dies, *sine prole* (without issue) C shall inherit, and not A. 29 *Edw. III. Tit. Cozenage 5.*

A an *alien*, B and C his brothers, both naturalized by act of parliament; B purchases lands, and dies without issue, the same shall not come to A, nor to his issue, (though a denizen) but shall come to C and his issue; the law taking no notice of A as to impede the succession of C or his issue, though it work a *consequential disability*, to bar the issue of A parallel to what the law calls corruption of blood, which is a consequent of attainder. *Ramsay's Case. 15 Car. II. in Com. Ban.*

Again, in lineal descent, if there be a grandfather, natural-born subject, the father an *alien*, and the son a natural-born subject; the father is made a denizen, yet he shall not inherit the grandfather; and if the father dies in the life of the grandfather, the grand-child, though born after the denization, doth not remove either the personal, nor consequential impediments, or incapacity of the father.

In collateral descents, the father, a natural-born subject, has issue two sons *aliens*, who are both made denizens; one dies without issue, the other shall not inherit him. *Godfrey and Dixon's Case. Godh. 275.*

A an *alien*, marries an English woman, who is seized of lands, and has issue, the father and mother die, yet the issue may inherit the mother, *non obstante* the incapacity of the father being an *alien*. *Cro. Jac. 539. 2 Rolls Rep. 92. Vaughan 285.*

The statute *de Natis ultra Mare*, declares the issue born of an English man upon an English woman, shall be a denizen; and the construction has been, though an English merchant marries a foreigner, and has issue by her born beyond the seas, that issue is a natural-born subject. *Levinz. 59. 25 Edw. III. Cro. Car. 601.*

But if an English woman goes beyond the sea, and there marries an *alien*, and has issue beyond the sea, that issue are *aliens*. *Cro. Car. 601. Bacon's Case.*

Yet if an English woman marries an *alien* beyond the seas, and then comes into England, and has issue, they are not *aliens*, but may inherit. *Prowde's Case of Kent.*

No *alien*, or person not born within the allegiance of the king, or naturalized, or made a free denizen, shall exercise the occupation of a merchant, or factor, in any of his majesty's plantations or territories in Asia, Africa, or America, upon pain of forfeiture of all his goods, or which are in his possession, &c. 12 *Car. II. cap. 18. sect. 2.*

All such persons as shall be born on board any of the ships employed about the trade of the South-Sea company, or in any of the places which shall be discovered or possessed by the company, shall be deemed natural-born subjects. 9 *Ann. cap. 21. sect. 53.*

Aliens born, though made denizens, are to pay such duties as they did before they were made denizens. 1 *Hen. VII. c. 2. 11 Hen. VII. c. 14. 22 Hen. VIII. c. 8. f. 1.* Or merchant-strangers, are to be used in this realm, as merchant-denizens are in other countries. 9 *Hen. III. c. 3. f. 1. 5 Hen. IV. c. 7. f. 1.*

Aliens and denizens coming into this kingdom, are to be well and honestly entreated with respect to the payment of duties. 12 *Car. II. c. 4. f. 4.* Or merchant-strangers, bringing in goods, must give security to the king's customer and comptroller, to employ the money upon the commodities of this realm, or to put it in due payment here (their reasonable costs excepted), and not to export the money received for the same; upon forfeiture of all their goods, and to suffer a year's imprisonment. 4 *Hen. IV. 15. 5 Hen. IV. c. 27. Hen. VI. c. 3. f. 1. 17 Edw. IV. 1. 3 Hen. VII. c. 8. f. 1.*

A British man, sworn to be subject to a foreign prince or state, is to pay stranger's customs; but if he returns to Great-Britain, and there inhabits, he is to pay but British duties, and to have a writ out of Chancery for the same. 14 and 15 *Hen. VIII. c. 4. f. 2.*

No person, denizen, or stranger, may enter any goods, inwards or outwards, in the name of any other person than the very owner, being not sold, bargained, or contracted for, to or with any person before entry, or before the arrival of the goods in parts beyond the seas, upon forfeiture thereof, or their value; and the offender to suffer imprisonment, and make fine thereof at the king's pleasure. 3 *Hen. VII. c. 7. f. 1. 1 Eliz. c. 11. f. 6.*

One British man may custom in his own name the goods of another British man, and so may one merchant-stranger enter the goods of another merchant-stranger: but he that so enters the goods of other persons, either inwards or outwards, that the king loses his duty, forfeits the goods to the king, and the value thereof to the party grieved; and likewise all his own goods and chattels personal for ever: the prosecution to be in three years after offence committed. 1 *Hen. VIII. c. 5. f. 3, 4, 5. 2 and 3 Edw. VI. c. 22. f. 4, 5. 1 Eliz. c. 1. f. 6.*

One of the bills of every entry inwards and outwards must, in order to prevent the colouring of strangers goods, be subscribed by the merchant, his own servant, factor, or agent, with the mark, number, and contents of every parcel of such goods, as are rated to pay by the piece or measure, and the weight of the whole parcel of such goods as are rated to pay by the weight. 13 and 14 *Car. II. c. 11. f. 10.*

The lord-mayor, commonalty, and citizens of the city of London, their officers or deputies, for, and touching the offices of package, scavage, baleage, or portage of any goods or merchandize of *aliens*, or their sons born within this kingdom, or unfreemen, imported or exported into, or out of the city of London, or the liberties or ports thereof, unto, or from the parts beyond the seas, for, or concerning the receiving, or taking of any fees or rates heretofore usually taken, for, or in respect of the said offices, or any of them, might, and may receive and take the same, any thing in the act for tonnage and poundage, or any former act, to the contrary notwithstanding. *Referred to in the Act of Tonnage and Poundage passed anno 12 Car. II.*

The children of *aliens*, under twenty-one years of age, are not to trade or make entries. 13 and 14 *Car. II. c. 11. f. 10.* For other circumstances relating to *aliens*, see the articles DENIZATION, NATURALIZATION, DUTY inwards, DUTY outwards, GOODS inwards, GOODS coastwise outwards, OFFICERS, PLANTATIONS.

ALICQUANT Part is that which will not measure or divide any number exactly, without some remainder.

Thus 2 is the *aliquant part* of 7; because twice 2 wants 3 of 7, and 4 times 2 exceeds 7 by 1.

ALICQUOT Part is that part of a number or quantity, as will exactly measure, or divide it, without any remainder.

Thus 4 is the *aliquot part* of 8; 5 of 10; and 6 of 12.

All the *aliquot parts* of any number may be found by the following method; divide the given number by its least divisor, and the quotient thence arising by its least divisor, &c. till you find a quotient that is no further divisible, and you will have the prime divisor, or *aliquot parts*, of that number: then, if every two, three, four, &c. of these divisors be multiplied into themselves, the products will be the several conjoined divisors, or *aliquot parts*, of that number. For example, suppo'e the *aliquot parts* of 60 were required; divide the number 60 by 2, and the quotient will be 30, which again divide by 2, and the quotient will be 15, which divide by 3, and there remains the indivisible quotient 5: therefore all the prime *aliquot parts* are 1, 2, 2, 3, 5; and the compound ones, from the multiplication of every two, are 4, 6, 10, 15; and from that of every three 12, 10, 30.

ALKEKENG I Offinarum. Tourn. winter-cherry, a medicinal fruit produced by a plant of the same name. It is cultivated with us in gardens, flowering in July and August, and the fruit is ripe in September.

The leaves of *alkekengi* are acid and bitter: they give no tincture of red to blue paper; but the fruit gives it a very deep one. It seems at first to be sourish, but afterwards very bitter; so that it is probable there may be in the fruit a salt, resembling the *oxysal diaphoreticum Angeli Sale*, mixed with a little oil, but so involved in the leaves with

with sulphur and terrestrial parts, as not to be perceptible. *Tournefort.*

The berries have a vinous, and most penetrating juice, like wine, or that of citrous, and are therefore commended in burning fevers. The dried berries ground to a flour, and infused in wine, are a powerful diuretic, and besides move the belly; and are the more beneficial, as there is nothing in our body but urine, which inclines us to an alkaline putrefaction; wherefore alkaline diuretics are to be suspected. Half an ounce of the dried berries bruised, and taken as tea or coffee with sugar, cleanses the reins, corrects grumous blood, and helps the yellow jaundice, strangury, gout, and dropy. *Boerhaave.*

ALLAY or **ALLOY**, a word used for the tempering and mixture of other metals with silver or gold. *Stat. 9 Hen. V. 2. c. 4. and 1. c. 11.* This *allay* is to augment the weight of silver or gold, so that it may defray the charge of coinage, and to make it the more fusile. A pound weight of standard gold, by the present standard in the mint, is twenty-two carats fine, and two carats *allay*: and a pound weight of right standard silver consists of eleven ounces two penny-weights of fine silver, and eighteen penny-weights of *allay*. *Lown's Essay upon Coins, p. 19. Cowel.* One penny-weight of angel-gold is worth four shillings and two-pence; of crown-gold, three shillings and ten-pence; and an ounce of pure silver, is worth five shillings and four-pence, and with *allay* five shillings. *Mod. Just. tit. Coin, p. 120.*

Whether gold or silver be above or below standard, is found by assaying. See **ASSAY**.

When several species of coin, or ingots of different fineness, are to be melted together, the operation, requisite to find the due proportion of *allay* to the fine metal, is more difficult: and yet it is one of the most important articles a master of the mint ought to be acquainted with, and which all those also ought to know who work in gold and silver, that they may not be mistaken in the *allay* they are often obliged to make of gold or silver of different standards.

All the authors who have wrote upon coinage, have given tables for making that reduction; and the arithmeticians have their rule of *alligation*, which may also be used. But the anonymous author of a small treatise, printed at the end of *Monsieur Boissard's edition of 1721*, has given us the easiest method to practise that rule.

As that method will serve both for gold and silver coin, we shall give but one instance of it; but it must be first observed, that the calculation for the *allay* of gold is performed by the thirty-two parts, which are wanting in, or exceeding, the standard of those metals designed to be used; and that, with regard to silver, we reckon by grains of fine metal.

When any one would make that kind of *allay*, or rather evaluation of *allay*, in order to add, or diminish, what is wanting, or too much in the fineness, you must draw up a table of the metals to be melted, containing their quality, weight, and fineness. This table is afterwards to be divided into two others, the one containing all the species which are below, and the other those that are above, the requisite degree of fineness.

Each of these tables being calculated separately, you may find by the calculation of the first, how much metals that are above the standard, exceed it; and, by the second, how much is wanted in those that are below it: so that, by comparing these two products, or sums, together, we discover exactly, by means of a subtraction, how much, either of fine gold, or *allay*, must be added, in order to reduce all those metals to the standard required for the new melting. Here follows the instance, which the above-mentioned anonymous author gives us:

Numbers.	Marks.	Ounces.	Carats.
1	1	4	Jacobusses, at 21 $\frac{3}{4}$
2	2	6	Ingots, at 20 $\frac{1}{2}$
3	1	4	Ingots, at 18 $\frac{3}{4}$
4	3	6	Ducats, at 23 $\frac{3}{4}$
5	1	4	Nobles, at 23 $\frac{1}{4}$
6	1	4	Ital. Pist. at 21 $\frac{1}{2}$
12		4	

I have therefore, 12 marks and 4 ounces of gold, of several degrees of fineness, which must be reduced to the fineness of 21 carats and $\frac{1}{2}$.

Among the six articles which compose the first table, there are three, viz. the first, the fourth, and the fifth, which are above the standard; and three, viz. the second, the third, and the sixth, which are below it. I separate them into two tables.

FINE GOLD.

Numbers.	Marks.	Ounces.	Thirty-seconds.
1	1	4	remains good 9 32ds.
4	3	6	ditto 210 32
5	1	4	ditto 96 32
Sums remaining good upon these three articles			315 32ds.

INFERIOR GOLD.

Numbers.	Marks.	Ounces.	Thirty-seconds.
2	2	6	wanting 110 32ds.
3	1	4	ditto 144 32
6	1	4	ditto 12 32
Sum of what is wanting in these three articles			266 32ds.

The two sums compared.

Remains good 315
Wanting 266

Remains good 49 32ds, for which must be put 4 drachms and $\frac{1}{2}$ of copper, and then the whole will be of the standard of 21 carats $\frac{1}{2}$: the weights of the metals being consequently encreased to 12 marks and 4 ounces exactly, because of the addition of the *allay*.

There remains only to know how you may calculate the proportion there is between 49 32ds of fine gold, and 4 drachms and a half copper. But the operation is easy to one who is acquainted with the first principles of arithmetic, and knows, also, that 696 32ds good are worth a mark of copper, or 64 drachms; and that, accordingly, 53-2ds, and 5-8ths, are worth a drachm.

This example, which relates to gold above the standard, may also serve for that which is below it; but, in that case, as many 32ds are to be added as were found wanting.

The chief reasons alledged for the *allaying* of coin, are, 1. The mixture of the metals, which, when smelted from the mine, are not perfectly pure. 2. The saving of the expence that it must otherwise cost, if they were to be refined. 3. The necessity of rendering them harder by mixing some parts of other metals with them, to prevent the diminution of weight; which pieces of money might suffer in time by being often handled and rubbed. 4. The melting of foreign gold, or coin, which is *allayed*. 5. The charges of coinage, which must be made good by the profit arising from the money coined. 6. and lastly, the duty belonging to the sovereign, on account of the power he has to cause money to be coined in his dominions. See **GOLD, SILVER, and REFINING.**

The *allay* of copper for statues, guns, or bells, has also its proportions; but, as they are arbitrary, and depend on the taste and experience of the founder, it is hardly possibly to ascertain the rules of it.

Monsieur Felibien pretends that the good *allay* for statues, or brads figures, ought to be made one half of rose-copper, and half of yellow-copper, or common brads. According to others, and to *Monsieur de St. Remy* in particular, there ought to be four pounds of brads, and eight of tin, in 100 weight of red, or rose-copper. Which of the opinions is best grounded, must be left to those who have experience in the casting and *allaying* of those metals for their various purposes.

To make the mixture fit for great guns, mortars, and other pieces of artillery, the best and softest tin of Cornwall is a necessary ingredient skilfully applied. There must be 6, 7, or 8 pounds of it to 100 weight of red copper, more or less, according as this last metal happens to be of a better or worse quality.

The *allay* for bells is usually made of 20 pounds of the hardest tin to 100 weight of rose-copper.

The *alloy*, or mixture for the several sorts of pewter designed for dishes, plates, and other household utensils, is commonly made of red copper, regulus of antimony, and bismuth, or lead.

To *ALLOY*, or *ALLOY*, is to melt several metals together, in order to mix, or incorporate them with each other, that they may form afterwards but one and the same matter. Gold and iron cannot be alloyed, or duly incorporated together by melting, nor even be soldered together, with the help of copper. Tin melted with gold becomes so closely united with it, that it is extremely difficult to separate them, a small quantity being even capable to spoil a whole casting. See *ASSAY*.

Persons who purchase plate should be careful to deal with those of known honour and credit in their business, there being very great deceit and imposition therein, notwithstanding the laws, and the care of the goldsmiths company to prevent them. For the company have long complained that there are numbers who counterfeit the hall mark, because their metal is worse in point of quality, or has more *alloy* therein than the law directs; and yet the buyer pays the same price for it, as if the wrought-plate was made according to the legal standard. This is a great evil, and should be guarded against.

ALLEVEURE, or *ALLURE*, a brass coin struck in Sweden, worth about $2\frac{1}{4}$ English money.

ALLIBALLIES, a very clear fine muslin, of which the piece contains 21 yards, and is one yard in breadth.

ALLIGATION, in *arithmetic*, is the method of resolving questions relating to the mixture of commodities, and their value and effects, when united in a composition. The term is derived from *ad*, to, and *ligo*, to bind; because the numbers were formerly linked together by circular lines.

Alligation is divided into two parts or branches, *medial*, and *alternate*.

Alligation Medial, is that by which the mean rate or price of any mixture is found; when the particular quantities of the mixture, and their rates are given.

To answer questions of this nature, the sum of all the quantities proposed to be mixed, and also the sum of their particular rates must be found. Then the proportion will be,

As the sum of all the quantities is to the sum of all their rates; so is any part of the mixture, to the mean rate or price of that part.

EXAMPLE.

A goldsmith mixes six ounces of silver at 5 s. per ounce, with nine ounces at 3 s. 9 d. per ounce; what is the value of an ounce of that composition?

The question prepared as above directed will stand;

Thus $\begin{cases} 6 \text{ } \frac{3}{4} \text{ at 5 s. per ounce} & \text{comes to 360 d.} \\ 9 \text{ } \frac{3}{4} \text{ at 3 s. 9 d.} & \text{comes to 450 d.} \end{cases}$

$15 \text{ } \frac{3}{4} = \text{their sum. And their total value} = 810 \text{ d.}$
Then, as $15 \text{ } \frac{3}{4} : 810 \text{ d.} :: 1 \text{ } \frac{3}{4} : 54 \text{ d.} = 4 \text{ s. 6 d.}$ the answer required.

Alligation alternate, is that by which the particular quantities of each ingredient concerned in any mixture are found; when the particular rates of every one of these ingredients, and the mean, rate are given. This admits of three cases.

Case 1. The particular parts of any ingredients proposed to be mixed, and the mean rate of the whole mixture being given; to find how much of each ingredient is requisite to compose the mixture, when the whole quantity, or any part thereof, is not limited.

To solve questions of this nature it will be requisite to place the mean rate so, that it may be easily compared with the particular rates; in order to find every one of their differences from the mean rate by inspection only.

Then take the several differences between the mean rate and the particular rates; setting down those differences alternately, and they will be the quantities required.

Case 2. The particular rates of all the ingredients proposed to be mixed, the mean rate of the whole mixture, and any one of the quantities to be mixed being given; to find how much of each of the other ingredients is requisite to compose the mixture.

In this case, which is usually called *alligation partial*, you must set down all the particular rates, with their mean rates, and find their differences, as before, without having any regard to the quantity given. Then the proportion will be,

As the quantity found by the differences, of the same name with the quantity given, is to the given quantity: so is any of the other quantities found by the differences, to the quantity of its name.

Case 3. The particular rates of all the ingredients, proposed to be mixed, and the sum of all their quantities, with the mean rate of that sum, being given; to find the particular quantities of the mixture.

This is generally called *alligation total*, and is thus performed. Set down all the particular rates, with their mean rates, and find their differences, as before; and add all the differences into one sum. Then the proportion will be,

As the sum of all the differences, is to the sum of all the quantities given: so is every particular difference, to its particular quantity required.

The following example will be sufficient to explain the above precepts.

Suppose it were required to mix malaga, at 7 s. 6 d. the gallon, with canary at 6 s. 9 d. sherry at 5 s. and white wine 4 s. 3 d. so that the whole mixture may be ninety gallons, to be sold at six shillings the gallon: how much of each sort will be necessary to compose this mixture?

Mean price 72 d. $\begin{cases} \text{Malaga 90 d.} & -21 \\ \text{White 51} & -18 \\ \text{Canary 81} & -12 \\ \text{Sherry 60} & -9 \end{cases}$

60 = their sum.

Thence $\begin{cases} 60 : 90 :: 21 : 31\frac{1}{2} \text{ the gallons of malaga.} \\ 60 : 90 :: 18 : 27 \text{ the gallons of white wine.} \\ 60 : 90 :: 12 : 18 \text{ the gallons of canary.} \\ 60 : 90 :: 9 : 13\frac{1}{2} \text{ the gallons of sherry.} \end{cases}$

Note. The work of these proportions may be greatly shortened by dividing the second number by the first, and multiplying the quotient by the respective third numbers; for these products will answer the question.

ALLOCATION, in a legal sense, is an allowance made upon account in the Exchequer; or, more properly, a placing or adding to a thing. *Coruel*.

ALLOCATIONE FACIENDA, a writ for allowing to an accountant such sums of money as he hath lawfully expended in his office; directed to the lord-treasurer, and barons of the Exchequer, upon complaint made. *Reg. Orig.* 206.

ALLOTING, or *ALLOTMENT* of goods, in commerce, is the dividing a ship's cargo into several parts, to be bought by several persons, whose names, being wrote on as many slips of paper, are, by an indifferent person, placed on the several lots or parcels, by which means the cargo is divided without partiality, each having the lot or parcel of goods his name is fixed upon.

ALLOWANCES, to bankrupts out of their estates. When a bankrupt has in all things conformed himself to the acts made concerning bankruptcy, he shall be allowed by the assignees 5 l. per cent. out of the neat produce of all the estate that shall be recovered in and received, provided the said neat produce, after such allowance, shall be sufficient to pay the creditor ten shillings in the pound, and so as the said 5 l. per cent. shall not amount in the whole to above 200 l. and in case the neat produce, after deducting the following allowance, shall be sufficient to pay the creditors twelve shillings and sixpence in the pound, the bankrupt in this case shall be allowed 7 l. 10 s. per cent. so as that such allowance shall not amount in the whole to above 250 l. And in case the neat produce after the following allowance is deducted, shall be enough to pay the creditors fifteen shillings in the pound, the bankrupt shall be allowed 10 l. per cent. provided it does not amount in the whole to above 300 l. But if the said bankrupt's estate is not sufficient to pay the creditors ten shillings in the pound neat, as aforementioned, then, and in such case, the bankrupt shall only be allowed so much as the assignees and commissioners shall think fit, not exceeding 3 l. per cent.

ALLOWANCES,

ALLOWANCES made to the discoverers of bankrupts effects. By stat. 13 Eliz. c. 7. sect. 6. and 5 Geo. II. c. 30. sect. 20, 21. it is enacted for the better discovery of a bankrupt's estate, that all and every person who shall (after the time allowed to such bankrupt) voluntarily make discovery of any part of such bankrupt's estate, not before come to the knowledge of the assignees, shall be allowed 5 l. per cent. and such further reward as the assignees and the major part of the creditors in value, present at any meeting of the creditors, shall think fit.

ALLOWANCE on British refined sugar exported. By 9 and 10 Will. III. cap. 23. sect. 9. and 5 Ann. cap. 8. art. 6. was granted from 31 January, 1699, during the continuance of the new subsidy, upon sugar refined in Great Britain, for every hundred weight exported, 3s. By 2 and 3 Ann. cap. 9. sect. 3. 4 Ann. cap. 6. sect. 2. 5 Ann. cap. 19. sect. 8. and 1 Geo. I. cap. 12. sect. 8. was granted during the continuance of the one-third subsidy, a further allowance on the same, for every hundred weight exported, 1s.

By 6 Geo. II. cap. 13. sect. 10. was granted from 24 June, 1753, for five years, by 11 Geo. II. cap. 18. sect. 2. Further continued for seven years, by 19 Geo. II. cap. 23. sect. 1. Further continued for seven years by 20 Geo. II. cap. 32. sect. 5. Further continued to 24 June, 1756, and by 29 Geo. II. cap. 26. sect. 1. Further continued for three years. A further allowance on the same, for every hundred weight exported 2s. By 21 Geo. II. cap. 2. sect. 6. was granted from 1 March, 1747, during the continuance of the subsidy 1747; a further allowance on the same for every hundred weight exported, 3s. Total allowance 9s.

To be paid at the Custom-house to the exporter within thirty days after the demand thereof; oath being first made by the refiner, that the sugar so exported, was produced from brown and muscovada sugar, charged by the acts of 9 and 10 Will. III. cap. 23. and of 2 and 3 Ann. cap. 9. and by 21 Geo. II. cap. 2. (that is to say, charged with the new subsidy, one-third subsidy, and subsidy 1747) and that, as he verily believes, the same was imported from his majesty's plantations in America, and the duty duly paid at the time of the importation thereof; the exporter making oath, that the same was duly exported, and his majesty's searcher also certifying the shipping thereof, and all other requisites being performed, according to the book of rates.

ALLOWANCE on damaged tobacco imported. If any British plantation tobacco hath received damage on board any ship at sea, or by the ship being forced on shore in any part of Great Britain; or after arrival, by the ship's bulging on an anchor, or by the lighter into which the tobacco is put in order to be landed; the merchant refusing to pay, or secure the duty for the same, hath liberty to separate such damaged tobacco, by cutting it off from the hoghead, or other package: for every pound of damaged tobacco, so cut off, the merchant is to be allowed one halfpenny. 9 Geo. I. cap. 21. sect. 4. 13. to be paid by the commissioners or collectors, or other chief officers of his majesty's customs. But such allowance is not to exceed thirty shillings on any one hoghead. Such damaged tobacco cut off is to be burnt and destroyed. 9 Geo. I. cap. 21. sect. 4.

ALLOWANCE or drawback of the duties on coals used in melting copper or tin ores within the counties of Cornwall and Devon; or in fire-engines for draining tin or copper mines in Cornwall. All coals used in either of the above works, and for which the duties have been first answered, upon proof, by oath made before the customer or collector of the said duties, that they have been so used, shall have a drawback of all the duties; to be repaid by the collector of the duties to the person making such proof. 9 Ann. cap. 6. sect. 54. and 14 Geo. II. cap. 41. sect. 3.

ALLOWANCE on damaged, corrupt, or unmerchantable wines imported. If any merchant, finding his wine on importation to be damaged, corrupt, or unmerchantable, shall refuse to pay or secure the duties for the same; the commissioners of the customs may cause such wines to be received into the custody of the proper officers, and to be publicly sold, in order to be distilled into brandy, or made into vinegar, taking sufficient security that they

be not made use of for any other purpose whatsoever; and shall cause the produce of such sale to be paid to the merchant, as a compensation for the freight, and other charges, not exceeding the allowances following:

For every ton of wine	{	Of the growth of Germany, or			
		which pay duty as such	-	-	4 0 0
		Of the growth of France	-	-	4 0 0
		Of the growth of Spain, Portugal, or elsewhere	-	-	8 0 0

the security to be discharged, on a proper certificate that the wines have been so made use of within three months after delivery out of the warehouse.

The overplus, if any, to be replaced to the duties, out of which the warehouse rent, and other charges attending the sale, have been advanced. 6 Geo. I. cap. 12. sect. 3, 4. and 12 Geo. I. cap. 28. sect. 20.

But no allowance is to be made for any wines, unless imported in casks, on board a merchant ship, directly from the place of the growth, or the usual place of first shipping. 8 Geo. I. cap. 18. sect. 19.

Except as to ships stranded; in which case, the wines saved may be put on board any other ship or vessel, and carried to any lawful port of this kingdom, and be intitled to the aforementioned allowance. 8 Geo. cap. 18. sect. 20.

ALLOWANCE of Portage. Portage is a bounty given by the commissioners of the customs, by virtue of their patent, to masters of ships inwards, for making true reports of their ships and cargoes, and otherwise demeaning themselves according to law and custom; and is granted on the net amount of the under-mentioned branches paid or secured for the goods imported in their respective ships, certified by the proper officer of the port (damages and over-entries first to be deducted) and is as follows.

Wines 6s. 8d. per cent. on the net amount of the branches of the customs and inport. Currants 6s. 8d. Norway goods 2 l. and other goods 10s. per cent. on the net amount of the branch of customs.

Note, that no portage is to be granted, when it doth not amount to 10s. except for Norway goods.

ALLOWANCES due and payable to the officers of his majesty's customs and subsidies in the port of London, and the members and creeks thereunto belonging, viz.

For the officers of the petty customs outwards.

	custom.	compt.	surve.	for g.
	s. d.	s. d.	s. d.	s. d.
For a cloth cocket by British freemen of London	0 6	0 4	0 4	0 4
For a stranger's cocket, or unfreeman	8 0	0 6	0 6	0 6
For a cloth certificate by strangers, or British, to pass according to the old rate	0 8	0 4	0 4	0 4
For a ship's entry crossing the seas	0 4	0 4	0 4	0 4
For a ship's entry to the streights, Canaries, or western islands	1 0	1 0	1 0	1 0
For clearing of ships, and examining the book	1 0	0 6	0 6	0 6
For every indorsement	0 4			
For making a bond to the king's majesty's use	0 6			
For every entry in the certificate book	0 2			
To the customer's clerk. More for a cloth cocket certificate	0 6	0 2	0 2	0 2
For a ship's entry crossing the seas	0 4			

Subsidy outwards.

	collect.	compt.	surve.	for g.
	s. d.	s. d.	s. d.	s. d.
For every ship's entry within the Levant, or beyond the freight's mouth	1 0	1 0	1 0	1 0
For every ship's entry going to any other foreign parts	0 4	0 4	0 4	0 4
C c				For

A L L

	collect.	compt.	surve.	sur. g.
	s. d.	s. d.	s. d.	s. d.
For every ship's entry going to the out-ports - - - - -	0	2	0	1
For clearing of every ship passing to foreign parts, and examining the ship's contents -	1	0	0	6
For every British cocket, by freemen - - - - -	0	8	0	4
For every stranger's cocket, or unfreemen of London - -	1	0	0	6
For making every certificate cocket, as well British as strangers, for goods which paid subsidy inwards, and pay no subsidy outwards - - - -	0	8	0	4
For every certificate upon warrant from his majesty, or the lord treasurer, paying no duties	1	6	0	8
For indorsement of all warrants and licences - - - - -	0	4	0	4
For a foaring bill, licensing such as bring in victuals, to carry out some beer as by store -	0	6	0	6
Coast sufferances to be given without fees.				
For every coast cocket outwards, and entering in his majesty's books, for a whole ship, or vessel passing into the open seas - - - - -	1	0	0	8
For a bond for the same - -	0	6		
For discharging the same bond, and filing the certificate to the bond - - - - -		0	4	
For making every certificate of return - - - - -	1	0	0	2
For making, entering, and keeping an account of every debenture for repayment of half subsidy, or other sums of money - - - - -	1	0	0	4
For making and entering a transire, or let pass, from port to port in Great Britain - -	0	4	0	2
To the clerks for a cocket, by British or others - - -	0	4	0	2
For a ship's entry crossing the seas - - - - -	0	4		
To the clerk of the coast cocket, for making a bill or ticket to the lord mayor for corn, victuals, and other provisions -	0	4		

Petty customs inwards.

	custom.	compt.	surve.	sur. g.
	s. d.	s. d.	s. d.	s. d.
For every stranger's warrant -	0	2	0	2
For taking every bond - - -	0	6		
For every bill at sight - - -	1	0	0	4
For discharging every bond -		0	6	
For every great employment to employ the proceed of goods		0	6	1

Subsidy inwards.

	collect.	compt.	surve.	sur. g.
	s. d.	s. d.	s. d.	s. d.
For every warrant by British freemen of London - - -	0	4	0	4
For every warrant for strangers, or unfreemen - - - - -	0	6	0	6
To the clerk for making the shipper's entry - - - - -	1	0		
For making a bond to his majesty's use - - - - -	0	6		
For every oath administered by the collector - - - - -	0	2		
For a shipper's entry, with the particular contents, viz. from the East-Indies - - - -	2	6		
From the freights - - - -	2	6		
From Spain, Portugal, and the West Indies or British plantations - - - - -	2	0		

A L L

	collect.	compt.	surve.	sur. g.
	s. d.	s. d.	s. d.	s. d.
From Dunkirk or France - -	1	0		
From Flanders, Holland, Ireland, or any eastern or northern parts - - - - -	1	0		
For every ship or vessel less than twenty ton - - - - -	0	8		
For every stranger's ship entry to pay double fees.				
For every certificate of foreign goods imported, to be shipped out free of subsidy, eighteenpence; which is understood, sixpence for the search, although several ships, and twelve-pence for the certificates - - - - -	1	6		
If the goods be under the value of twenty pounds, according to the book of rates, the merchant is to pay for the certificate, in all, but - - -	0	6		
For examining and comparing every debenture with the original certificate - - - -	0	4		
For a certificate of foreign goods coming from any of the out-ports to London, or from any other port to port within this nation - - - - -	0	6	0	2
For goods sent by sea by the importer thereof, to any of the out-ports from London - -	0	6	0	2
For casting up the sum, and keeping an account of every debenture, and paying the money - - - - -	0	8		
For every bale, pack, trufs, chest, case, or other package, brought into the king's warehouse, to be allowed to the officer when the merchant is short entered above five shillings, to be paid to the proper officer, two-pence - - -	0	2		

Great customs.

	2d cust.	compt.
	s. d.	s. d.
For a cocket for calve-skins - - - -	2	0
For a coast cocket outwards of wools, wools, leather, skins, and hides - - -	2	0
For a bond to his majesty's use - - -	1	0
For filing the return - - - - -	0	6
For a return and discharge outwards -	2	4
For the packer, for telling and packing every dacre of dressed calve-skins, allowing ten dozen to the dacre - - - - -	0	6
For packing every dacre of undressed calve-skins, and telling - - - - -	0	6

ALLOWANCE of Time to export by Certificate.

The merchants are *allowed*, for their shipping off tobacco, sugar, ginger, pepper, bugles, *alias* beads, cast and bar-iron, dying wood, all dying wares and drugs, eighteen months to British, and fifteen months to aliens, to have their drawback; and all other goods, twelve months to British, and nine months to aliens. 2, 3, and 9 *Ann.*

Amber beads, rough amber, coral beads, and polished coral, and all cowries, may draw back the imposts 169³/₄ exported in three years. 4 and 5 *Will.* and *Mary.*

Goods on which no drawback is allowed.

Mum, by 1 *Will.* and *Mar.* Cordage, 6 *Ann.* Hops, 9 *Ann.* Tobacco, exported in ships under twenty tons burthen,

burthen, 9 *Ann.* Tobacco, exported to Ireland, until a certificate be produced of its being landed there, 9 *Ann.* Alamodes and lustrings, 9 *Will.* III.

Since the commencement of the late war, an act passed, 30 *Geo.* II. the preamble to which recites, that the duties granted by an act of 7 and 8 *Will.* III. upon French wines, and other goods, of the growth, product, or manufacture of France, as well as several other duties upon various goods imported into this kingdom, are by law not to be drawn back upon the re-exportation thereof into foreign parts: and that as such duties have been found, in several instances, to be equal to the value of the goods taken as prize from the French, the captors have thereby so far lost the benefit of their prizes; and have therefore often been induced to carry their prizes directly to foreign parts, to the prejudice of this kingdom; and that it is therefore enacted, that any goods of the growth, product, or manufacture of France, or any of the dominions belonging to the crown of France, that have been, or shall be taken, during the war, and brought hither by any of his majesty's ships of war, or privateers, may, upon condemnation thereof as lawful prize, be landed, and secured under the king's locks in warehouses provided at the expence of the captors, with the approbation, and under the inspection of the commissioners, or other principal officers of the customs and excise, to which such goods are liable; and upon admission of such goods taken since the declaration of war, into such warehouses, there shall be paid the following duties, which shall not be drawn back or repaid upon the exportation, viz. For all such goods, (except wines and vinegar, and such goods as are herein after enumerated) of the growth, product, or manufacture of France, or any of the dominions belonging to the crown of France, taken by any of his majesty's ships of war, the half of the old subsidy granted by the act of tonnage and poundage, of 12 *Car.* II. and the whole of the further subsidy of poundage, granted by the act of 21 *Geo.* II. being what is commonly called, "The subsidy one thousand seven hundred and forty-seven;" and for the like goods taken by any private ship of war, the half of the said old subsidy, and no more; and the said duties to be paid, and applied, as they are by law appropriated, but subject to the customary and legal discounts, and *allowances* for damage; and for every ton of French wine and French vinegar, taken either by his majesty's ships of war, or privateers, the sum of three pounds; and after the same rate for any greater or lesser quantity; to be paid into the Exchequer, as part of the duties arising by the act of 18 *Geo.* II. for granting to his majesty several additional duties upon all wines imported into Great Britain; and for raising a certain sum of money by annuities and a lottery, in a manner therein mentioned; to be charged on the said additional duties.

The said subsidies are to be paid *ad valorem*, upon the oath of the captors or their agents, upon the following goods, viz. upon all sorts of woollen and silk manufactures, and hats, handkerchiefs, checks, knives, and nails, notwithstanding the same may have been rated in the book of rates of 12 *Car.* II. or the additional book of rates of 11 *Geo.* I. and are to be levied and collected, and to be under the same penalties, and forfeitures, as are directed and prescribed by the act of 11 *Geo.* I. for rating such unrated goods and merchandizes as are usually imported into this kingdom, and pay duty *ad valorem*, upon the oath of the importer; and for ascertaining the value of all goods and merchandize not inserted in the former or present book of rates, &c.

No duties or customs are to be taken for prize-goods, consisting of any military or ship stores.

Prize-goods of the growth, product, or manufactures of France, which shall be received into any warehouse, or which are now remaining in any warehouse in this kingdom, where they have been secured, under the king's locks, by the permission of the commissioners of the customs, may upon payment of the duties before directed, (if the same have been taken since the declaration of war) be exported directly from thence, without paying any further duty of customs or excise for the

same; and if taken before the declaration of war, they may be exported without payment of any duty of customs or excise whatsoever; the exporter giving security in double the value of the goods, that the same shall be exported, and not brought back again or relanded in any part of Great Britain, or the islands of Guernsey, Jersey, Alderney, Sark, or Man; which security the customer or collector of the port from whence the same are intended to be exported, is to take in his majesty's name, and to his use.

But if such goods are taken out of the warehouse, to be consumed in this kindom, the remainder of the duties which would have been payable thereon, if the same had been regularly imported by way of merchandize, are to be first paid up; and such goods, in all other respects, are to be liable to the same restrictions and regulations to which they would have been subject, if this act had not been made.

But wines which, at the time of landing, shall be damaged, corrupt, or unmerchantable, and which shall be given up to the officers of the customs, to be publicly sold, in order to be distilled into brandy, or to be made into vinegar, in manner directed by the act, of 12 *Geo.* I. for the improvement of his majesty's revenues of customs, excise, and inland duties, are not chargeable with the before-mentioned duty of 3 l. per ton.

The duties payable upon goods of the growth, product, or manufacture, of any other country or place, except France and the dominions belonging to the crown of France, which may be taken as prize, and condemned in this kingdom, are no ways lessened or altered by this act.

ALLOWANCES for Draught and Tare.

Almost all goods and merchandize imported, pay duties, and are to be delivered either by *tale*, *weight*, *measure*, or *gauge*.

Those which pay duty by *tale*, are, at the delivery, to be tallied at one, ten, twenty, &c. according to the nature of them; and as the merchant cannot (generally) have any pretence for a short entry in goods by *tale*, therefore it is supposed that (in strictness) no post-entry should be admitted of.

The goods paying duties by *weight*, are to be brought to the king's beam, and weighed, in order to adjust the true quantity for which his majesty's duties ought to be paid; for, in consideration of the different proportion which foreign weights bear to the British, the waste, &c. which may happen during the voyage, and the draughts and tares to be *allowed* on the landing, it cannot be expected that a perfect entry can be made at first; but to enable the merchant to make the nearest estimate of the true *net weight* to be entered, he will be furnished in the progress of this work with a table of the proportion which all foreign weights bear with ours, and also with the particular draughts, tares, &c. on all goods imported.

At landing the goods, the weigher is to call out the full and true gross weights in the scale, which the land-waiters (and ship's husband) are to enter in their books (and should cheque with one another every day) and from the total of the said gross weight, is to be deducted an *allowance* in consideration of

Draught, according to the following respective weights, viz. on all goods imported, weighing		
under	1 cwt.	1 lb. Dra.
From	1 to 2	2
	2 to 3	3
	3 to 10	4
	10 to 18	7
	18 to 30, or upwards	9

Except tobacco of the British plantations, which is to be *allowed* eight pounds draught only for every hoghead of 350 lb. or upwards. 9 *Geo.* cap. 21. *sect.* 15.

These *allowances* for draughts, the land-waiters may (when they are very different) insert in their books, opposite to each respective draught; or (when they are not very different) compute the same, by counting the number of the draughts at each separate *allowance*.

The

The allowance for draught being deducted, there is (in most cases) a farther allowance to be made out of the remaining weight, called

Tare, being a consideration of the outside package that contains such goods which cannot be unpacked without detriment; or for the papers, threads, bands, &c. that inclose or bind any goods which are imported loose; or though imported in casks, chests &c. yet cannot be unpacked and weighed nett.

Several sorts of goods have their tares ascertained, and those tares are not to be altered or deviated from, in any case within the port of London, unless the merchant thinking himself, or the officers the crown, to be prejudiced by such tares, shall desire that the goods may be unpacked, and the nett weight taken; which may be done, either by weighing the goods in each respective cask, &c. nett, or (as is practised in East-India goods particularly) by picking out several casks, &c. of each size, and making an average, and so computing the rest accordingly. But this must not be done without the consent of two land-surveyors, attested by their hands in the land-waiter's books; and in the out-ports, not without the consent of the collector and surveyor: and as to those goods which have not their tares ascertained, two land-surveyors in London, and the collector and surveyor in the out-ports, are to adjust and allow the same in the like manner.

Sometimes the casks, &c. are weighed beyond-sea before the goods are put in, and the weight of each respective cask, &c. marked thereon, (as is usual for most goods imported from the British plantations) or else inserted in the merchant's invoice; in which case, if the real invoice be produced, and the officers have satisfied themselves (by unpacking and weighing some of them) that those weights are just and true, they do then, after having reduced them to British weight, (if not so before) esteem them to be the real tares, and pass them accordingly; though sometimes the tares on the cask, &c. are wholly disregarded, and the real tares taken.

But the unpacking goods, and taking the nett weight, being supposed the justest method, both for the crown and merchant, it is usually practised in the port of London, in all cases where it can be done with conveniency, and without detriment to the goods.

Goods delivered by *measure*, are under three different regulations:

1. As linens particularly; which are measured by running measure, being no more than taking the length of the piece from one end to the other.

And as in the Holland, Flanders, and some sorts of German linens, the contents in British ells are often annexed to, or marked on each piece, and likewise inserted in the merchant's invoice; therefore there will not be any difficulty in making a perfect entry: so that no post-entry will be admitted in this case.

And for such linens as are contented in foreign measures, a table, which will in the sequel be inserted, proportioning them to the English, will enable the merchant readily to find their contents in British yards or ells, according as the nature of the entry shall require.

But those German, or East country linens, which are not contented, by reason the several pieces of each respective sort are generally about the same certain lengths, may be entered, by computing the whole quantity at such usual lengths, and delivered by the officers, by measuring some of the pieces, and computing the rest accordingly.

2. Such as pictures, grave and paving stones, and marble tables particularly, which are measured by square and superficial feet.

3. Such as marble blocks, and timber particularly, which are measured by solid or cubical measure.

Goods delivered by *gauge*, are wines, &c. and all excisable liquors, whose quantity to be entered may be pretty nearly determined by considering the size of the casks, and what accidental leakage, or other diminution, may have happened during the voyage.

Before any goods are delivered by virtue of any war-

rant, the same must be copied into the landwaiter's books, as a foundation for the delivery, distinguishing the date and number of the entry, the merchant's name, the total duties paid, the particular packages, with the marks, numbers, and quantities of the goods, for which the duties have been paid.

And at the delivery of the goods, underneath the said copy of the warrant, must be inserted the particular manner of the delivery, as the *tale, measure, weight, gauges*, with the respective allowances for draught and tare (where the same are to be allowed) from the total whereof, the quantity first entered being deducted, the remainder is the quantity, for which a post or additional entry is to be made; and when the same is made, the date and number of such entry must be inserted, (opposite to the said short entry) as will be illustrated by three or four examples annexed.

In making entries, it is usual for merchants to include all the goods they have on board the same ship in one, though sometimes they may happen to be of twenty several denominations, or more; and as it is enacted by 12 Car. II. cap. 4. sect. 4. (to which subsequent acts have had reference) that if any goods, or merchandizes, be brought from parts beyond the seas into this realm, by way of merchandize, and unshipped to be laid on land, the subsidy, customs, and other duties thereof, not paid, or tendered to the collector, &c. nor agreed with for the same in the custom-house, then the said goods and merchandizes shall be forfeited; therefore there was some years ago a resolution of the court of Exchequer, that, to admit of post or additional entries, where goods are short entered, (the goods so short entered being laid on land before payment of duty) is a matter of favour and indulgence, to prevent such goods from forfeiture; and though, in goods delivered by weight and gauge, it is almost impossible to make a perfect entry before landing, yet in goods delivered by tale and measure, there cannot be any excuse or pretence for a short entry, and therefore it ought not to be allowed.

Examples of the examination and delivery of foreign goods imported.

6 December, 1765, N^o 45. Benjamin James £10 12 2⁴. 14 December, 1765, N^o 31. John Sims £0 0 0.

B. J. N^o 1a 10. Ten casks containing C. 50 0 0 of allum. J. S. N^o 1a 3 } 10 casks qt. R. V. N^o 5a 8 } 100 C. of ar- K. O. N^o 3 7 9 } gol.

N ^o 1	6 0 10	J. S. N ^o 2	12 3 14
2	6 3 14	3	12 0 14
3	5 3 17	1	13 2 7
4	6 0 13	R. V. 7	13 1 0
5	5 3 24	5	12 3 0
6	6 1 12	8	13 0 18
7	6 3 2	6	11 3 14
8	6 0 0	K. O. 8	13 0 18
9	6 0 8	7	11 3 26
10	6 1 18	3	13 2 0

62 2 6 10 128 0 27
I 12 draught. 10 at 7 1/2 0 2 14 draught.

60 0 22 127 2 13
6 1 22 tare at 12 1/2 15 3 22 tare at 14 1/2

Delivered	53 3 0	per cent.	Delivered	111 2 19	per cent.
Entered	50 0 0		Entered	100 0 0	
Short	3 3 0		Short	11 2 19	

Posted 8 Decemb. N^o 18. Posted 17 Decemb. N^o 5.

15 January, 1766, N^o 10.
George Chafe £12 8 6½.

15 January, 1766, N^o 7.
Robert Ashby £1 13 2¼.

G. C. N^o 1a 10—10 doub.
ferons cont. 45 C. of
barilla.

R. A. N^o 1a 10—10 sacks
containing 20 C. weed-
ashes.

C. qr. lb.				C. qr. lb.			
N ^o 1	5	1	8	N ^o 1	2	2	2
2	5	3	2	2	2	1	22
3	4	3	18	3	2	1	14
4	4	2	27	4	2	1	16
5	5	1	10	5	2	1	19
6	5	3	22	6	2	1	24
7	5	2	20	7	2	2	6
8	5	3	17	8	2	2	4
9	4	3	25	9	2	1	26
10	6	0	3	10	2	1	15
10	54	2	12	10	24	2	8
	0	1	12 drau.	10	24	0	1
	54	1	0		24	1	6
	3	0	24		0	2	24
			tare at 36 lb. each.				tare 8 lb. per sack.
Delivered	51	0	4	Delivered	23	2	10
Entered	45	0	0	Entered	20	0	0
Short	6	0	4	Short	3	2	10

Posted 24 January, N^o 5.
Tare thirty-six pounds per
double feron.

A B } surveyors.
B C }

Note. It is sometimes im-
ported in fingle, and some-
times in treble ferons of about
the same weight.

The draughts being noted, we shall now give an al-
phabetical account of the *tares*, as they are *allowed* at the
custom-house of London.

A.

Allum, in casks, tare 12 *per cent*.
Ashes, called pot-ashes, 10 *per cent*.
Annotto, in chests of about 180 lb. 40 lb. *per chest*.
Ashes, called weed-ashes, tare 8 lb. *per sack*.
Argol, in casks, 14 *per cent*.

B.

Barilla, in double ferons, 36 lb. *per feron*.
Battery, in fats, 8 *per cent*.
Beads, vocat. coral-beads, in casks, if covered with rags,
3 *per cent* for strings, paper, and rags; if not covered
with rags, then only 2 *per cent*.
Brimstone, in casks, tare 8 lb. *per cent*.
Bristles, in fats about 5 Cwt. tare 84 lb.
Ditto, undrest in casks, 17 lb. *per cent*.
Bugle, great, in casks, 3 ditto.

C.

Canary-seeds, in barrels of about 2 1-4th C. tare 30 lb.
each.
Capers, in casks, tare 1-3d.
Cochineal, in chests covered with skins, containing about
1 1-half C. tare 50 lb.
Ditto, in barrels, about 1 1-half C. tare 36.
But it is now usually imported in such package.
Ditto, in bales of about 200 lb. each, tare 18 lb. *per bale*.
Ditto, in ferons of about 2 C. each, tare 24 lb. *per feron*.
Ditto, in casks of about 250 lb. each, tare 42 lb. each.
Cocoa-nuts, in casks, tared according to their weight.
Coffee, in bales, from India, of about 2 1-half C. tare
18 lb. *per bale*.
Ditto, in bales, from Turkey, of about 3 C. 15 lb.
per bale.
Copper, in fats, tare 8 lb. *per cent*. but never so imported.
Copper-ore, in casks of near 2 C. each, tare 21 lb. *per cask*.
Copperas, green, in casks of about 10 1-half C. tare
10 *per cent*.

9.

Cowries, in bags, of about 1 1-half C. tare 6 lb.
per bag.

D.

DRUGS.

Aloe Succotrina, in chests, about 3 1-half C. tare 80 lb.
Ditto, in chests, of about 2 1-half C. tare 55 lb. *per chest*
for chests, and 10 *per cent*. for bladders.
Ditto Epatica, in gunny, about 100, tare 8 lb. about 2
or 300 tare 14 lb.
But in goods from the British plantations, the present
usual allowance for tare is 1-5th part.
Ditto, not of the growth, in chests, tare as on the
chests, and 20 *per cent*. for leathers.
Antimony, in casks, tare 6 lb. *per cent*.
Argentum vivum, or quick-silver, about 1 1-4th, or 1
1-half C. in boxes, barrels, and leather, tare 36 lb. in
barrels, tare 14 lb.
Asa foetida, in baskets, about 1-4th Cwt. tare 3 lb. *per*
basket.
Ditto, in chests, from India, tare 50 lb. *per chest*.
Barley bulled, or *pearl-barley*, in casks of about 4 1-half C.
tare at 45 lb. *per cask*, when they do not come tared,
or if they do, then the tare that is on them.
Bdellium, in chests of about 3 1-half C. from India, tare
60 lb. *per chest*.
Benjamin, in ditto, about 3 1-half C. tare 30 lb.
In gunny, about 100 wt. tare 8 lb. about 2 and 300 wt.
tare 14 lb.
Bole, in casks, tare 8 lb. *per C*.
Campfire, in tubs, about 1-half or 3-4ths of an 100,
tare 18 lb. but seldom imported, unless refined in small
quantities from Holland.
Cardamoms, in bales, about 200 wt. tare 14 lb.
Carraway-seeds, in canvas bales, about 300 wt. tare 10 lb.
but are scarce ever imported.
Cassia Fistula, in casks, tare as on the casks.
Cassia Ligna, in chests, about 2 C. tare 99 lb. *per chest*.
Cassia Minea, in bags, of about 1 C. tare 4 lb. each.
Cinabrium, or *Vermillion*, in tubs, about 3 1-half hund.
tare 36 lb. But the officers having been dissatisfied
with the above allowance, have on some occasions tared
the tubs, and found them on an average only to de-
serve 24 lb.
Cocculus Indiæ, in bags, about 1 C. tare 8 lb. *per bag*.
Cologuintida, in chests, tare 1-5th part.
Ditto, in bales, of about 3 1-half C. tare at 30 lb.
per bale.
Coral, unpolished, in casks, tare as on them.
Cortex Peruvianus, or *Jesuit's Bark*, in ferons, about 1 C.
tare at 14 lb. *per feron*.
Cream of Tartar, in casks, tare taken from the merchant's
invoice, not being marked on the casks.
Cubebs, in bags, tare 4 lb.
Cummin-feed, in sacks, about 2 1-half C. tare at 12 lb.
each.
Diagridium, or *Scammony*, in chests, about 3 1-half C.
tare 70 lb. *per chest*.
Diagridium, not of the growth, in chests, about 2 C.
tare at 80 lb. *per chest*, and 12 *per cent*. for boots.
Fennel-seeds, in bales, about 3 1-4th C. tare 12 lb.
per bale.
Fecbia Brugiata, in butts, about 11 C. tare 14 *per cent*.
Galangá, in bales, about 1 C. tare 10 lb. *per bale*.
Green-ginger, in jars, about 100 wt. tare 28 lb.
Gum-arabic, in sacks, about 3 C. tare 10 lb. *per sack*.
Guni-Elemi, according to the present practice, has an
allowance (besides for the outward package) of 12 *per*
cent. for the shavings that it is wrapt in.
Gum and Seed-lack, in gunny, about 1 hund. tare 7 lb.
2 or 3 hund. 14 lb.
Shellack, in chests, from India, tare as chests weigh.
Stick-lack, in chests, from ditto, about 2 3-4ths C. tare
from 100 to 110 lb. each.
Ditto, in bags, about 1 C. tare 5 lb. each.
Incense, or *Olibanum*, in gunny, 2 or 3 hund. wt. tare
14 lb. 1 hund. wt. tare 8 lb.
Ditto, from India, in chests, about 5 C. tared from 104
to 112 lb. each.
Isinglass, in fats, about 3 1-half or 4 hund. wt. tare 84 lb.
D d *Jujubes*,

Jujubes, in fats, tare 16 *lb.* per cent.

Juniper-berries, Italian, of the growth, in casks, tare as on them.

Ditto, Dutch, of the growth, in casks, about 3 C. tare at 70 *lb.* per cask.

Manna, of the growth, in chests, about 1 1-4th C. tare 50 *lb.* each.

Myrrha, in chests, from 3 1-half to 4 hund. wt. tare 92 *lb.*

Ditto, from India, in chests, about 5 C. tare 75 *lb.* per chest.

Pepper, long, from India, in bags, about 1 C. tare 8 *lb.* per bag.

Pistachias, or *Nux-pistachias*, of the growth, in chests, about 2 1-half C. tare 110 *lb.* each.

Pitch, called *Burgundy-pitch*, in stands, about 2 3-4ths C. tare 56 *lb.* but now not usually imported.

Prunelloes, in boxes, about 14 *lb.* wt. tare 3 *lb.* per box.

Rhubarb, Turkish, of the growth, in bales, about 2 3-4ths C. tared as they weigh, about 8 1 1-half *lb.* each.

Ditto, Russia, of the growth, in casks, tared as upon them.

Sal-ammiac, in casks, from Italy, tare as upon them.

Sarsaparilla, of the growth, in bales, about 1 C. tare 5 *lb.* per bale.

Tamarinds, from India, in casks and jars, tared as weighed.

Tinical, in duffers, about 1 or 1-4th C. tare 16 *lb.* about 1 1-half C. tare 20 *lb.*

Turmeric, in gunny, about 1 1-half C. tare 14 *lb.* 1 C. 10 *lb.*

Ditto, in bags, from India, about 3-4ths C. tare 6 *lb.* per bag.

Verdigrease, in leather, about 1-4th C. and 14 *lb.* tare 3 *lb.* But is not now usually so imported.

Ditto, in casks, about 6 1-4th C. tare 65 *lb.* each.

Vitriolum Romanum, in duffers, about 100 wt. tare 14 *lb.* But not usually so imported.

Ditto, in chests of about 3 C. tare 55 *lb.* per chest.

Zedoaria, from India, in chests, about 5 1-half C. tare as weighed.

Note, there are many other sorts of drugs usually imported into the port of London, which are here purposely omitted, as the method of their delivery is the same with the several examples before given, which had not their tares ascertained by the tables.

F.

Feathers, in bags, tare 4 *lb.* per cent.

Flax, undrest, tare 4 *lb.* per bobbin.

Note, this tare is for the bands round the bobbins; and when these are covered with mats, then there is usually allowed for tare 6 or 8 *lb.* per bobbin.

Flax undrest, in bales or bags, about 4 1-half C. tare 6 *lb.* each.

Fruit, in baskets, *vide* GROCERY.

G.

Galls, from Aleppo and Smyrna, in double bags, tare 7 *lb.* each, in single ditto 4 *lb.* each.

Grains of Guinea, in casks, containing about 5 C. tare as on the casks.

GROCERY.

Almonds, in casks, tare 14 per cent. In bags, 4 *lb.* per bag. In serons and bags about 200 wt. tare 18 *lb.* and so proportionably.

Note, when almonds are imported in the shells, it is the practice, in the port of London, to allow two thirds for the shells.

Anniseeds, in serons and bags, about 3 3-4ths hund. tare 18 *lb.* 3 1-half ditto, with felts, 20 *lb.* 3 1-half ditto without felts, 14 *lb.* In bales 7 C. 42 *lb.* In casks from Holland about 7 1-half C. tare as on them.

Cinnamon, in gunny, about 3-4ths or 1 C. tare 12 *lb.* In skins, said wt. 14 *lb.* In skins and bags, 16 *lb.*

Cloves, in caroteels, about 4 1-half C. tare 70 *lb.* But are sometimes passed according to the Dutch tares, marked on the casks, though usually the real tares are taken by emptying the casks and taking their weights.

Currents, in butts and caroteels, tare 16 *lb.* per cent. In quarter roll, 20 *lb.* per ditto. In bags about 400 wt. 10 *lb.* per bag.

Figs, in barrels, tare 14 *lb.* per cent. In baskets about 34 *lb.* 5 *lb.* each. In casks about 4 3-4ths C. 16 per cent.

Ginger, in bags, about 92 *lb.* tare 4 *lb.* per bag.

Mace, in caroteels, about 300 wt. tare 70 *lb.* But is usually tared as cloves.

Nutmegs, in caroteels, about 6 or 7 hund. wt. tare 70 *lb.* But is usually tared as mace and cloves, *which see*

Pepper, in bags, about 300 wt. tare 4 *lb.* per bag.

Prunes, in puncheons, or uncertain casks, tare 14 *lb.* per cent. But this allowance having by experience been found to be insufficient, there is now, in the port of London, usually allowed 20 *lb.* per cent. for the tare of the casks.

Raisins, in the baskets, tare 4 *lb.* each. In frails 6 *lb.* each. *Lipra*, in barrels, about 100 wt. 14 *lb.* each.

Solis, in casks, 12 per cent. Though on *Belvadera* and *Lipra Raisins*, in barrels, 23 *lb.* has been allowed on the first, and 18 *lb.* each on the last, as they have been found to tare as much upon an average.

Raisins, from Smyrna, the present usual allowance for tare is, for fir-casks, 12 *lb.* per cent. for oak-casks, 14 *lb.* per cent.

Sugar, from India, in bales, tare 36 *lb.* in chests 1-5th part, in casks, 1-6th part in canisters 1-8th part, in casks St. Thomas 1-5th. *Loaf-sugar*, in casks, with paper, thread, and straw, tare 16 *lb.* per cent. But the present usual allowances for tare of sugars from the British plantations, are according to the respective weights following, viz.

All small casks under 8 C.wt. tare 14 *lb.* per cent.

Every cask from 8 to 12 C.wt. Tare 1 C.

From 12 to 15 C. 1 C. 1 qr.

From 15 to 17 C. 1 C. 2 qr.

Of 17 C. and upwards 1 C. 3 qr.

Ditto, brown, from the East-Indies, in casks, about 4 1-half C. tare 70 *lb.* per cask.

H.

Hair, called *goats-hair*, in canvas, tare 4 *lb.* per cent. in hair-cloth, 7 *lb.* per ditto.

Hemp, called *steel-hemp*, in fats, tare 14 *lb.* per cent. But now not usually imported.

Hops, in bags, tare 4 *lb.* per cent.

I.

Incle unwrought. The skeins of that sort of unwrought incle, which is commonly called *short spinnal*, are about half an ell or upwards in length; and of that which is not called so, about an ell in length.

When unwrought incle is imported in bales or bobbins, the present usual allowance for tare is, for every bale or round bobbin weighing under 2 hundred wt. 6 *lb.* for every ditto weighing above 2 hundred wt. 8 *lb.* But if imported in cases or chests, it is weighed loose, and therefore not any allowance for tare.

Incle wrought, being always weighed loose, the allowance of tare is only for the papers that contain it, which according to the present practice is 2 per cent.

Indigo, in chests covered with skins, about 1 3-4ths C. tare 48 *lb.* in bales with skins, about 1-half C. tare 16 *lb.* But now not usually imported.

Ditto, of British plantations, in casks about 1-half to 2 C. tare as on them.

Iron, old bushel, in casks, about 13 hundred wt. tare 107 *lb.* each.

K.

Kettle-fats, 8 *lb.* per cent.

L.

Latten, or round-bottoms, in fats, tare 8 *lb.* tare per cent.

M.

Madder, in bales, great and small, single and double bags, tare 28 *lb.* In fats, tare 10 *lb.* per cent.

Mustard-feed, in bags about 2 C. tare 2 *lb.* per bag.

O.

Olives, if imported in large casks, must be gauged; but in small casks or jars the contents may be computed, and, according to the present practice in the port of London, have an allowance of 1-3d part in consideration of the liquor.

Oils, in certain casks, one in twenty allowed for leakage; under ten, none. In candy barrels, tare 29 *lb.* per barrel. In uncertain casks, tare 18 *lb.* per cent.

Note, 7 1-half pounds make a gallon, and 252 gallons make a ton. Though oils of all sorts pay duty by measure, yet it is not the practice to gauge them, but

if imported in uncertain casks, they are weighed, and the gross weights (after the deductions of draught and tare) are reduced to measure by accounting 7 1-half pounds to the gallon.

Train-oil, of the British plantations, in uncertain casks, is allowed 18 lb. *per cent.* but in certain casks, as barrels, it is the practice in the port of London to allow 50 lb. *per barrel* tare.

P.

Pimento, in barrels, about 2 3-4ths C. tare as on the casks.

Plat, vocat. *Bermudas Plat*, in casks, 1 1-half C. tare as on the casks.

R.

Rice, in barrels, about 4 C. tare as on the casks.

S.

Saffore, in bales, about 6 C. tare 84 lb.

In bags, from 2 to 3 C. tare 16 lb. *per bag.*

Sago, from India, in bags, about 94 lb. tare 3 lb. each.

Salt-petre, in casks, 12 lb. *per cent.*

In gunny, about 1 1-4th C. 16 lb.

In treble gunny, from India, } 18 lb.

about 1 C. 1 qr. 13 lb.

Shavings, for hats, in bags, about 8 C. 14 lb. each.

Shumack, in bags, about 3 1-half C. 10 lb.

From 2 to 3 C. 8 lb.

About 7 C. 14 lb.

Silk of Bologna, thrown, or orgazine, in short bales,

with searcloth, and cotton wool, about 2 C. tare 28 lb.

Therefore it is the practice in the port of London to

allow 14 lb. *per C.* for tare.

In long bales, with searcloth and cotton wool, about

2 C. tare 30 lb.

Of *Piedmont*, according to the practice in the port of

London, has the same allowance for tare as Bologna.

Of *Naples*, in bales, with searcloth, about 2 C. tare 18 lb.

Therefore it is the practice in the port of London, to

allow 9 lb. *per 100 lb.* for tare.

In fangots, with searcloth, about 1 1-half C. tare 14 lb.

and so downwards proportionably.

Of *Messina*, in bales, double canvas, thrown, and raw,

about 2 C. 10 lb.

In bales, with searcloth and cotton wool, } 22

about 2 C.

Therefore it is the practice, in the port of London, to

allow 11 lb. *per 100 lb.* for tare.

Silk raw, the pound to contain 24 oz.

Great pounds of 24 oz. into pounds of 16 oz.

add 1-half part.

Pounds of 16 oz. into great pounds of 24 oz.

subtract 1-3d part.

Of *Aleppo*, in long bales, with cotton-wool, about

3 1-4th C. and downwards to 23-4th, tare 32 lb.

In fangots, with cotton-wool, about 2 1-4th, } 24

or 2 1-half C.

About 1 3-4ths, or 2 C. 20

About 1 1-4th, or 1 1-half C. 18

Ardas Silk, in short bales, with cotton-wool, from } 30

3 1-4th to 2 3-4ths C.

Of *Messina*, vide silk thrown.

Of *Persia*, in bales of 1 1-4th C. 20

Of *Smyrna* and *Cyprus*, about 3 C. and upwards 16

Downwards to 2 C. 14

from 2 C. 12

Of *Bologna* and *Piedmont*, according to the practice of the

port of London, has the same allowance for tare, as

thrown silk of Bologna, that is, 14 lb. *per 112 lb.*

Silk nubs, or *huffs*, the pound to contain 21 oz.

To reduce pounds of 21 oz. to pounds of 16 oz. add 1-4th

more, 1-4th of that.

Pounds of 16 oz. to pounds of 21 oz. subtract $\frac{5}{16}$, or

multiply by 16, and divide by 21.

In bales about 2 1-4th C. tare 24 lb. each.

Silks wrought, in cases, about 1 3-4ths C. from Holland.

30 ps. for papers and packthreads, } 11 lb. 4 oz

at 6 oz. *per ps.*

Tared 18 ps. for pasteboards, papers, and } 12

packthreads, at ditto }

6 ps. for boards, papers, and pack- } 3 0

threads, 8 oz. *per ps.*

Tare 21 0

Wrought Silks are never examined on the keys, but always sent to the warehouse.

Smalts, or *powder-blue*, in casks, about 4 C. tare 10 lb. *per cent.*

Snuff, British plantation, in barrels, about 2 C. tare as on the casks.

Ditto, from the Havana, in serons and bags, tare as weigh.

Soap, called *Castile-soap*, in double serons, about 3 C. tare 30 lb.

In single serons, about 3 C. tare 16 lb.

In chests, about 2 1-half or 3 C. tare 40 lb.

Ditto, called *Italian hard-soap*, in chests, about 1 1-half C. tare 30 lb.

Succads, in chests, about 1 1-half C. tare 40 lb.

But the present usual allowance for tare is 1-3d part.

T.

Tallow, from Russia and Ireland, in casks, tare 12 lb. *per cent.*

Tea, from India, in chests, tubs, and baskets, tare as they weigh.

Thread, called black and brown, or Bridge's outnal, to have an allowance of 6 *per cent.* for want of weight.

Whited-brown, ditto.

Sifter's thread, to have no allowance (that is) if imported in certain papers to be counted, and passed according to their respective weights.

But if imported in uncertain papers, they are weighed loose, and according to the present practice, have an allowance of 12 *per cent.* for the said papers.

Tobacco, Barbadoes, in roll's upon sticks, about 1-4th C.

tare about 6 lb. *per stick.*

Bermudas, in chests, 20 lb. *per cent.*

In casks, about 3 C. 60 lb.

about 2 1-half C. downwards, to

2 and 1 1-3d C. 50 lb.

But tobacco of the British plantations in America, may not be imported otherwise than in casks, chests, or cases, each above two hundred weight. 10 and 11 *Will. III. cap. 21.*

Spanish, in barrels, about 2 1-4th hundred 28 lb.

Ditto, in half-barrels, about 1 1-4th ditto 18

Ditto, in potaccoes, with canvas 14

Ditto, in ditto, covered with canvas 16

Ditto, in ditto, covered with skins 26

Virginia, in hogheads, weighing under 300 wt. 70

Ditto, from 3 to 400 80

Ditto, from 4 to 500 90

Ditto, 500 weight and upwards 100

But now the hogheads of Virginia and Maryland are stripped off, and the real weight of the tobacco taken.

And in consideration of the merchant's charge, in opening, stripping, and making up their hogheads, after samples have been drawn, they are to be allowed two pounds *per hoghead*, which is to be deducted from the foot of the account.

Note, the damaged tobacco, for which the merchant refuses to pay duty, must be separated from the sound before it be weighed.

Tortoise-shell, in boxes and casks, tare as on them.

Turpentine, in casks, tare 1-5th part.

Twine, in mats, about 2 1-half C. tare 9 lb. *per mat.*

V.

Vermacelli paste, in cases, about 2 1-4th C. tare 80 lb. *per cent.*

W.

Wax, vocat. *Bees-wax*, in casks, about 10 C. tare 84 lb.

per cask.

Whale-fins, of British plantation fishing, in bundles, about

1 C. tare 6 lb. *per bundle.*

Wool, *Beaver-wool*, in hogheads and brizles, tare 75 lb.

in crobies, tare the cover, which is 1-3d of the whole.

Cotton-wool, tare 4 lb. *per cent.*

But if in hair-bags from Turkey, the present usual

allowance for tare is 20 *per bag.*

But if screwed with ropes from Cyprus, the allowance

for tare is, *per particular order*, 7 lb. *per cent.*

Esfridge, lambs, Polish wool, tare 4 lb. *per cent.*

Spanish wool, in bales, for cloth about 2 C. tare 28 lb.

For felts about 2 1-4th C. 14 lb.

Segovia Spanish, for felts about 2 C. 15 lb.

Carmenian wool, in bales, about 3 C. (vide *Hair*) 9 lb.

each.

Wormseeds, from Smyrna, in bales, with felts, about 33-4ths C. tare 24lb.

From Aleppo, with cotton-wool 24
Y.

Yarn, cable-yarn, in winch, from Russia, tare 28lb.
Cotton-yarn, in bales, from India, about 3 1-half C. 43

In bags, from Turkey, tare 5lb. *per cent.*

From Aleppo, in bales, with cotton-wool 28

And so downwards proportionably.

From Smyrna, in bales, with felts, about 4 C. 28

Without felts, about 4 C. 18

In fangots, without felts, about 1 3-4ths, or 2 C. 14

1 1-half C. 12

With felts, skins, and cotton 16

Irish yarn, the pack to contain 480lb. wt.

Linen-yarn, in fats, tare 12lb. *per cent.*

ALLUM, or ALUM, a kind of salt, of an acid, astringent taste.

Some derive the word from the Latin, *lumen*, light; because it gives a lustre to colours; and others from the Greek, *αλς*, salt.

The *allum* in use at present is very different from that of the ancients, for theirs was natural; whereas ours is factitious, and consists of other ingredients besides the concentered juice which the ancients called *allum*.

Allum is made of a stone, sea-weed, and urine. The stone is found in most of the hills between Scarborough and the river Tees in Yorkshire. It is of a bluish colour, and will split like Cornish slate.

The mine, before it is calcined, being exposed to the air, will moulder into pieces, and yield a liquor whereof copperas may be made; but, being calcined, it is fit for *allum*. Sometimes a liquor will issue out of the sides of the mine, which, by the heat of the sun, turns into natural *allum*.

When the mine is calcined, it is put into pits of water, supported with frames of wood, about ten yards broad, placed in a current, which turns the liquor into a receptory, from whence it is pumped into another pit of mine; so that every pit of liquor, before it comes to the boiling, is pumped into four several pits of mine, and every pit of mine is steeped in four several liquors, before it is thrown away; the last pit being always fresh mine.

Kelp is made of a sea-weed, called *tangle*. It grows plentifully on the rocks by the sea-side. Being dried, it will burn and run like pitch; when cold and hard it is beaten to ashes, steeped in water, and the lees drawn off. The boiling pans are made of lead, and placed upon iron plates, about two inches thick.

When the work is begun, they save the liquor, which comes from the *allum* which they call *mothers*; with this they fill two third parts of the boilers, and put in one third part of fresh liquor which comes from the pits. Being thus filled up with cold liquors, the fires not having been drawn out, will boil again in less than two hours time; and in every two hours the liquor will waste four inches, and the boilers must be again filled with fresh liquor.

After it has boiled about twenty-four hours, there is put into the boiler about a hoghead of the lees of *kelp*. Presently afterwards the liquor is drawn out into a settler, made of lead, where it continues about two hours, during which time most of the nitre and slime sink to the bottom.

Then the liquor is emptied out of the settler into a cooler, and about twenty gallons of urine added to it; where it continues in temperate weather, four days. The second day the *allum* begins to strike, gather, and harden about the sides, and at the bottom of the cooler.

When the liquor has stood four days, the liquor called the *mothers* is scooped out into a cistern, the *allum* remaining on the sides, and at the bottom; and from thence the *mothers* are pumped again into the boiler.

The *allum*, taken from the sides and bottom of the cooler, is put into a cistern, and washed with water, which has been used for the same purpose; after which it is roached in the following manner:

Being washed, it is put into a pan with a quantity of water, where it melts and boils a little. Then it is

pumped into a large cask, where it commonly stands ten days, and is then fit to take down for the market. *Phil. Transf.* N^o 142.

The method of making *allum* in Italy is somewhat different from the former.

M. Geoffroy had an exact information, in Italy, of the method of making *roach-allum* at Civita Vecchia. Near that city are quarries of a greyish or reddish stone, pretty hard, like the *travertin*. They calcine these stones in kilns, and then boil the calx in water over a strong fire. The water dissolves all the salt contained in the calx, and three remains an insipid earth. The water, thus impregnated, is left to cool, and the salt shoots into crystals, like tartar, about the sides and bottom of the cask, which is the *roach-allum*. *Hist. de l'Acad. Roy. des Scien.* 1702.

M. Homberg, with three parts of *allum*, and one part of any combustible matter, which turns to a coal, by a previous calcination, distillation, and ignition, in a close vessel, prepared a phosphorus, or sulphureous matter, which immediately kindled on the free access of air. But this inflammable matter cannot be produced by the acid of vitriol, nor the spirit of salt or nitre; a plain indication that the acid of *allum*, as being more subtle, has a freer ingress into the phlogistic earth, than the acid of vitriol itself. *See Mem de l'Acad. Roy. des Scien.* 1711.

Alum is a strong astringent, acid drier: the native *alum* smells something like *aqua fortis*; but the factitious has little or no smell; when thrown upon live coals, it rises into bubbles, and melts in water. The crystals of *alum* have eight sides, representing an hexagonal pyramid, with the angles cut off, or they are bounded by four hexagonal and four triangular surfaces. A solution of *alum* coagulates milk, turns the tincture of heliotropium purple, makes no alteration in the solution of corrosive sublimate, and turns the infusion of galls turbid and whitish; with salt of tartar, it concretes into a white coagulum, without any sensible heat or smoke; and often, upon mixing this solution with oil of tartar, an urinous smell is perceived; but this happens only when the *alum* has been purified with urine, as in English *alum*; but there is no such smell from the Roman.

Alum is greatly used in dyeing and colouring, neither of which can well be performed without it; for it not only fixes the colour upon the stuffs, but also disposes them to take the colour, and adds a briskness and delicacy to it.

The usual preparations of *alum* are, purification, distillation, and uction, or calcination. It is purified by being dissolved in fair water, and then evaporating and crystallizing the solution in the common manner. It is distilled like vitriol, and the first thing that comes over is an insipid phlegm, then an acrid spirit, nearly the same with spirit of vitriol. What remains in the retort, is a white, light, friable substance, called *burnt alum*; being *alum* deprived of its phlegm, and some portion of its acid, and, by a new solution and evaporation, it will shoot into crystals, as before distillation: The phlegm of *alum* would be perfectly useless, if pure; but as it contains always some portion of the acid, and also some portion of *alum*, which sticks in the neck of the retort, it becomes a very useful external application in surgical cases, for moderating inflammations, and drying ulcers. One dram of *alum*, dissolved in six ounces of this phlegm, makes an *alum-water*, which is an excellent detergent for wounds and ulcers. The spirit of *alum* is used the same as spirit of vitriol. *Burnt alum* eats away fungous flesh, and is successfully sprinkled upon linen, to absorb bad smells arising from any part of the body, *Geoffroy*.

ALLUM-WATER, is made by boiling four ounces of *alum* in a quart of clear water, till the *alum* is dissolved. If you wash with this water the prints you intend to colour, it will not only prevent the colours from sinking into the paper, but also add a lustre and brightness to them.

ALMADY, a small canoe, four fathoms long, generally made of the bark of trees; it is used by the negroes on the coast of Africa, to trade among themselves, and with the Europeans, who lie off the shore for trade.

ALMADY, is also a vessel used in the East-Indies; it is made in the form of a weaver's shuttle, except that it is square at the stern. Some of them are eighty feet long, and six or seven feet wide. They carry great store of merchandize, and with these vessels the richest Indian merchants drive their greatest trade, whether they load them on their own account, or let them out upon freight to the European merchants.

ALMANACK, is part of the law of England, of which the court must take judicial notice; *per Holt. Cb. 7. 6 Mod. 41.*

Whether the patent to the company of stationers for sole printing of *almanacks* be good or not. *See. 10. Mod. 105.*

Whether such a day of the month was on a Sunday or not, and so not a *dies juridicus*, is triable by the country or the almanack. *Dyer. 182. pl. 55.*

ALMENE, an Indian weight of about two pounds, serving to weigh saffron in many parts on that coast.

ALMONDS, a kind of medicinal fruit contained in a hard stone full of little cells, which is inclosed in a tough cottony skin.

The tree which produces this fruit, so nearly resembles the peach, both in leaves and blossoms, that it is difficult to distinguish them, but by their fruit. It grows spontaneously only in the warmer countries, as Spain, and particularly Barbary, flowering early in the spring, and the fruit is ripe in August.

Almonds are chiefly of two kinds, sweet and bitter.

Sweet ALMONDS are accounted nourishing, but, if eaten in too large a quantity, are hard of digestion. But the oil drawn from them is most in use. It is of great service in affections of the lungs, as coughs, shortness of breath; also in soreness of the stomach, and pleuritic pains. In the stone, gravel, and all diseases of the kidneys and bladder, it is of singular use, by its softening and lubricating quality.

The milky juice pressed from sweet almonds bruised and steeped in water, is very good for consumptive and pleuritic persons; for this milk contains a great many oily and balsamic parts, fit for nourishing and restoring the solid parts, moderating the violent motions of the humours, and allaying their sharpness. *Hoffman.*

Bitter ALMONDS, are mostly used outwardly as a cosmetic, being cleansing and beautifying. The oil dropt into the ear is good against deafness, and is frequently an ingredient in anodyne liniments. *Miller.*

ALMOND, a Portuguese measure for oil: an *almond* makes four gallons and two quarts.

ALMOXARIFARGO, is a duty of two and a half *per cent* paid *ad valorem* upon all bulls hides, to the king of Spain, in Spanish America, upon the exportation of these hides, which are shipped on board European vessels. Besides this duty, there is also another duty, called that of the *quinto*, but only at the rate of four rials *per* hide.

This is also an old duty paid upon the British woollen manufactures in Old Spain.

All goods in Spain, it must be observed, are rated at the Custom-house by maravedies, or rials; and the customs are paid by one or other of these denominations. The customs, called *alcavalas* (*see* ALCAVALAS) and some others, are paid in *vellon*, or copper money; the old duty, called *almoxarifargo*, and some others, are paid three quarters in *vellon*, and one quarter in *plata*, or silver money. The plate-money is fifty *per cent*. better than the *vellon* money of the same denomination. The merchants there always make up the accounts of their customs in their own books in *vellon*, and therefore, make an addition of 50 *per cent*. for such part of it as is paid in plate.

Fifteen rials vellon are a piece of eight, and thirty-four maravedies make a rial.

The duty called *almoxarifargo* is eleven *per cent*. on some of our woollen manufactures; on others not above five *per cent*.

On those goods where the *almoxarifargo* is eleven *per cent*. the old *alcavala* is no more than one *per cent*. But where the *almoxarifargo* is no more than five *per cent*. the old *alcavala* is five and a half *per cent*.

So that the duties in Spain upon an 100 maravedies only will arise thus, even to the 100th part of a maravedy, on the goods which pay the higher *almoxarifargo*. 100 maravedies are supposed to be the value of the goods.

11	<i>per cent.</i> <i>almoxarifargo</i> , quarto plata.
2	Dos per ciento—quarto plata.
1½	Uno y medio per ciento, with a premio, or addition of five <i>per cent</i> .
1	Uno <i>per cent.</i> nueva <i>alcavala</i> .
1	Uno <i>per cent.</i> donativo.
2	Dos per ciento—quarto plata.
½	Per ciento.
1	Per ciento.
2	Per ciento—quarto plata.
1	Old <i>alcavala</i> .
1½	Per ciento—quarto plata.

24½ in all; so that, by this account, the whole duties are 24½ of 100 maravedies.

But here the reader must observe, that a quarter part of some of these duties is paid in *plata*, which as said before, is fifty *per cent*. better than the *vellon*; and that there is also a premium, or addition, of five *per cent*. on one of the duties. The addition then of this five *per cent*. and also of the fifty *per cent*. will still swell the account, and add to the aforesaid 24½ *per cent*. that is to say,

The quarter part of eleven *per cent.* *almoxarifargo* is 2.75 maravedies, which, being paid in *plata*, which is fifty *per cent*. better than *vellon*, the half of 2.75 maravedies must be added, viz.

		mar. 100th part of a maravedy	
		I	37½
The quarter part of three times	dos per ciento paid in plata for the same reason must be added -		
		o	75
The premium of five <i>per cent.</i> on 1½ maravedies must amount to -		o	7½
The last duty is 1½ maravedies; and, the quarter of this being 31¼ hundred parts of a maravedy, the half of the sum should be added for its being paid in plata; but to avoid so inconsiderable a fraction, the merchants in their accounts add only the half of thirty - - - - -		o	15
		In all	2 35
The customs without these additions, amount to 24½ <i>per cent.</i> maravedies - - - - -		24	25
So that the whole custom is on every 100 maravedies - - - - -		26	60

But, where the *almoxarifargo* is no more than five *per cent*. the old *alcavala* is five and a half *per cent*. and the whole custom as follows, viz.

5	<i>per cent.</i> <i>almoxarifargo</i> —quarto plata.
2	dos per ciento—quarto plata.
1½	<i>per cent</i> , with a premium, or addition of fifty <i>per cent</i> .
1	per ciento nova <i>alcavala</i> .
1	per ciento donativo.
2	dos per ciento—quarto plata.
½	<i>per cent</i> .
1	per ciento.
2	dos per ciento—quarto plata.
5½	old <i>alcavala</i> .
1½	uno y quarto per ciento—quarto plata.

22¾, so that, according to this table, the whole duties are 22¾ *per cent*. maravedies.

But in this, as well as in the former case, for the quarto plata and the premium, additions must be made, viz.

For the quarto plata on five per cent. <i>almoxarifargo</i> - - - - -	0 62½
For the quarto plata on three times dos per ciento - - - - -	- 75
For the premio of five per cent. on 1½ maravedies - - - - -	- 7½
For the quarto plata on the last duty of 1½ per cent. - - - - -	- 15

To which add the 22¼ above-mentioned, viz. - - - - -	22 75
And the whole duty on goods, paying but five per cent. <i>almoxarifargo</i> , amounts to - - - - -	24 35

These duties of 26 $\frac{6}{100}$ maravedies, and, 24 $\frac{25}{100}$ maravedies per cent. are reckoned in vellon, or copper money.

But to shew how much this amounts to upon the real value of the British goods, it will be necessary first to fix the value of our goods, and then to shew what *gratias* are allowed, or abatements made, to the merchants out of these customs.

To begin with a comparison of the Custom-house valuation, and the real value, and particularly in the case of English bays.

A piece of bays rated at 10,000 maravedies, pays 2,660 maravedies customs.

The same has been usually sold for 20 ducats, or 220 rials plate: to which add fifty per cent. for vellon, or copper money, and it will amount to 330 rials; and these, multiplied by thirty-four maravedies, will produce 11,220 maravedies; that is, 1,220 more than the Custom-house valuation.

Now 2,663 maravedies on 10,000, is 26 $\frac{3}{100}$, or 26 $\frac{6}{100}$, per cent. but on 11,220 is not quite 23 per cent.

But, in the next place, thirty-three per cent. is abated for the farmer's *gratia*; that is, in 100 pieces of bays, the farmer of the revenue counts no more than sixty-seven, he receiving custom for no more; so that the whole 100 pieces pay only the custom of sixty-seven pieces.

Upon the payment of these customs, there is also a quarter part abated for the king's *gratia*. A quarter part of sixty-seven is 16½: this reduced the customs on sixty-seven pieces to no more than the custom on 50½.

But other allowances are also made to the merchants, which brought the customs on 100 pieces of bays down to forty-three, or thereabouts, which make an abatement of fifty-seven per cent. on the customs, which has been shewn were not above 123 per cent. of the real value of the goods, and reduced the same to about 9 $\frac{6}{11}$, per cent. on our bays.

On other goods the deductions are greater. The farmer's *gratia* is forty-five per cent. the king's *gratia* a quarter part of the remaining fifty-five, which amounts to 13 $\frac{1}{4}$, per cent. and reduced the goods to 41 $\frac{1}{2}$, per cent. of the quantity whereon the customs are paid; which is the same thing as abating 58 $\frac{1}{2}$, per cent. out of the customs, and reducing the same, on all paying the eleven per cent. *almoxarifargo*, to less than 9 $\frac{6}{11}$; on all others which paid but five per cent. *almoxarifargo*, to about 8 $\frac{1}{2}$, per cent.

ALNAGE, signifies the measure of an ell, or measuring with an ell. It is used in *Stat. 17 Ed. 4. c. 5*.

ALNAGER, or AULNAGER, is properly a measure by the ell; and the word *aune* in French signifieth an ell. An *alnager* with us, is a public sworn officer of the king's, whose place is to examine into the assize of all cloths, made throughout the land, and to fix seals upon them; and another branch of his office is to collect a subsidy or *aulnage* duty granted to the king. He hath power by *Stat. 25 Ed. III. sect. 4. cap. 1.* and several other ancient statutes; which appoint his fees, and inflict a punishment for putting his seal to deceitful cloth, &c. viz. a forfeiture of his office, and the value. *27 Ed. III. 3 R. II.* But there are now three officers belonging to the regulation of cloathing, who bear the distinct names of searcher, measurer, and

alnager; all which were formerly comprized in one person. *4 Inst. 31.* And because the subjects of this kingdom should not be abused, an office of searching is established by act of parliament. *Cowel.*

All the attempts which our forefathers made for regulating of manufactures, when left to the execution of any particular officer, in a short time, resolved but into a tax on the commodity, without respect to the goodness thereof. As is most notorious in the case of *aulnage*, which was intended for a proof of the goodness of the commodity; and to that purpose a seal was invented, as a signal that the commodity was made according to the statute: which seals, it is said, may now be bought by thousands, and put on what the buyers please. *Sir Josiah Child on Trade, p. 2. seq.*

That impositions of this kind upon foreign nations have proved highly injurious to our woollen manufactures, by giving our rivals an opportunity to supplant us therein, is well known to those who have any experience in the trade of Portugal and Spain.

A duty being imposed on woollen cloths, for the maintainance of an office to look into that manufacture, and the loyalty, as they call it, of the stuffs produced therein; the *alnager*, who had the direction of the whole, is now become only the collector of that duty, or subsidy, granted to the king, though he still holds the ancient denomination, because the collection of that subsidy was committed to him. Nor was he abridged of his measuring and searching, till, by his own neglect, it was thought proper to separate the two offices. So that there is now a peculiar measurer, distinct from the *alnager*, or collector, to allow the assize of the length and breadth of every cloth made in England and Wales.

ALOES is the inspissated juice of the plant *aloe*. There are various sorts of it in the shops, which are distinguished, either from the places whence they are brought, from the species of the plants which yield them, or from some difference in the juices themselves.

The ancients reckoned but two sorts; the one was pure, and of a yellowish colour, inclining to red, resembling the colour of a liver, and thence named *hepatic*; the other was full of impurities, and supposed to be only the dross of a better sort. Geoffroy, Commelinus, Dale, and the more accurate writers on the *Materia Medica*, range the different sorts of *aloes* found at present in the shops, in three classes, the *socotorine*, or finer; the *common*, or second sort, which is less esteemed; and the *fetid*, which is the worst of all: these two last sorts, when pure, are likewise called *hepatic*; and when very impure, *caballine*, or *horse-aloes*. The *socotorine* is bright, shining, clear, friable in the winter, somewhat pliable in the summer, of a yellowish red colour, with a purple cast: the purest sort of this kind of *aloes*, when reduced to powder, is of a bright golden colour, of an aromatic, bitter taste, and smell not unlike myrrh. The common sort of *aloes* is less clear and bright than the former, of a darker colour, and more compact texture; it is likewise drier, of a disagreeable smell, and an intensely bitter taste. The third and worst sort of *aloes*, properly called *caballine*, has been usually given only to horses: this is easily distinguished from the foregoing sorts, by its ungrateful strong smell, although, in other respects, it agrees pretty much with the common *aloes*; sometimes it is prepared so pure and bright, as not to be distinguished by the eye from even the *socotorine*. Mr. Boulduc observes, that the *socotorine aloes* contain less resin than the *hepatic*; and that the resin has little, if any, purgative virtue: he asserts likewise, that the former purges more, and with greater irritation than the latter. This observation, which appears to be perfectly just, points out the juices to which the different kinds of *aloes* may be applied: the finer sort is properest to promote or excite the menstrual flux, or to answer the like purposes, while the inferior sorts are better calculated to act as a common purge. With regard to the solubility of *aloes*, it entirely dissolves in boiling water; but a considerable portion subsides upon the menstruum's growing cold. The same inconvenience is observable in solutions of this drug made with wine, which on keeping throw off to the sides and bottom of the containing vessel, a considerable part of what they had formerly

merly taken up; while, on the other hand, proof spirit not only almost entirely dissolves the aloes, if pure, but keeps the whole suspended.

ALOSE, a sort of fish, pretty much like the sardine, or pilchard, in shape, but a great deal larger. Some will have it to be the shad, but it is quite another fish, and is very scarce in England. It is one of those fish which are called passage fishes, or fishes of a season, because it never swims out of the sea into rivers but in the spring.

The roes of *aloses* are as much valued in the East-Indies, as those of the sturgeon are in Russia; and the trade of them is not much less considerable, there being every year a consumption of many ship loads of them.

The *alose* grows to the bigness of a salmon. It is covered with large thin scales, which are easily rubbed off. Its head is, as it were, squeezed in towards the upper part of its body: its mouth is peaked, and it has no teeth. There is, on the top of its head, over its eyes, a bone, or scale, on each side, which is smooth and bright. Its tongue is blackish; its back white, inclining to yellow; its sides and belly are of a silver colour. This fish is fond of salt; and, therefore, they bait it by throwing handfuls of salt into the places where they perceive any.

It is a delicious meat, and contains a great deal of oil and volatile salt. When this fish is not very fresh, it has a sourish taste, which hurts the gums of those that eat it. There is, in its head, a strong bone, good for the stone and gravel, and for absorbing acids, for it is an *alkali*. The stomach of the *alose*, being dried and reduced into powder, is judged proper for strengthening the stomach.

ALPAGNA, an animal much like the llama and the vigona, except that its legs are shorter, and its muzzle thicker and flatter, so that it something resembles a human face. The inhabitants of Peru reckon this animal among the beasts of burthen, and make it carry 100 weight. Of its wool they make stuffs, ropes, and bags; and of its bones, tools for weavers. They even make an advantage of its excrements, using them for fuel, both in their chambers and in the kitchen. The wool of the *alpagna* easily passes for that of the vigona; and that of the latter, which comes from Peru into Spain, is almost always mixed with the former.

ALPHABET, among merchants and traders, is a kind of index, with the twenty-four letters in their natural order, in which are set down the names and surnames of those with whom open accounts are kept, and which refers to the folio of the ledger where those accounts are written in the form of debtor and creditor, serving to find easily, and without any trouble, such accounts as are necessary to be turned to.

ALPHOENIX, is only the white barley-sugar, or twisted sugar, to which they give an extraordinary name, in order to render it more valuable.

This sugar, which is thought good for colds, is made of common sugar, which is boiled till it becomes easy to crack, when they pour it upon a marble table, greased with oil of sweet almonds, and mould it into various figures with a brass crotchet. Is easy to falsify it with starch.

ALQUIER, also called *Cantar*, is a liquid measure used in Portugal for oil: it contains six cavades, or canadores. Two *alquiers* make an almude, or almond. See **ALMOND**.

ALQUIER is also a dry measure for grain at Lisbon. It is very small; for no less than 240 *alquiers* are requisite to make nineteen septiers of Paris, or one last of Amsterdam, or thirty-eight bushels of Bourdeaux. Sixty *alquiers* make about three English quarters, and two and a half *alquiers* an English bushel.

The measure of Oporto in Portugal is also called *alquier*, but is twenty *per cent.* bigger than that of Lisbon; so that the tun yields but eighty-seven *alquiers* of Oporto, which must be understood proportionably of the other measures, the evaluation of which has been given above.

The corn exported from the isle of St. Michael into that of Madeira affords four *alquiers* advantage, or profit, *per sixty*; and sixty at St. Michael's produce sixty-four at Madeira, which is an advantage of $6\frac{2}{3}$ *per cent.*

The *alquiers* are also in use in other places of the king of Portugal's dominions, particularly in the *Azores* islands, and in the isle of St. Michael; and in those two places, according to Monsieur Ricard, the muid, or bushel, contains sixty *alquiers* there, and 240 *alquiers* make a last of Amsterdam.

ALQUIFOU, or **ARQUIFOU**, as the merchants spell it, is a sort of mineral lead ore, very heavy, easily reduced into powder, and hard to melt. When it is broke it parts into shining scales, of a whitish colour. The potters use it to give their works a green varnish; and in England it is commonly called *potter's ore*.

The *alquifou* is exported from England in large lumps of various sizes and weights. The proper choice of it should be in large lumps, very heavy, the scales bright, and resembling tin-glass.

The peasants of Durfoit, in the diocese of Alais in France, who work at the lead mine which is near that place, give the name of *archifou* to the lead ore they take out of it. The quantity they can get is not considerable; and, therefore, they work at it only when they have nothing else to do. It is used for a varnish in earthen ware. That varnish is in great request among the potters. The shining and crystalline stone with which the *archifou* is mixed, is of no manner of use.

Though there is some *archifou* in Languedoc, great quantities are sent thither from England, as also from Leghorn, and some from Barbary and Sardinia.

ALSACE, a province formerly belonging to Germany, but almost entirely yielded to France by the peace of Munster. It is separated from Imperial Germany by the Rhine, and bounded on the north by the palatinate of the Rhine; on the east the Rhine separates it from the marquisate of Baden, and from the countries of Ortenau and Brisgau; on the south it is bounded by Switzerland, and by the principalities of Montbelliard and Porentrai; and, on the west, the mountains of Vonge, or Vosge, part it from Lorrain.

There is not so great a trade in this province as one might expect from the fruitfulness of its soil, and from the abundance of commodities proper for trade which are here to be met with. It is very probable that the inhabitants neglect applying themselves to trade for no other reason, but because being naturally idle, and finding all the necessaries of life within their own country, but few of them care to trouble themselves with the labour and cares which unavoidably attend an extensive commerce, particularly that which is carried on with foreigners. And, indeed, a gentleman well known for his integrity, and for the considerable employments he has filled in Alsace during thirty years, and by the military posts to which his merit had raised him by degrees, observes, in the Memoirs he was pleased to communicate concerning the trade of this province, that the indolence of the people, or their love of repose and quietness, is so great, that, during the wars, which continued for near half a century, without hardly any interruption, between Germany and France, none of the inhabitants would engage in any commission for the French armies, though the sums employed for provisions, artillery, magazines for soldiers upon the march, extraordinaries of war, fortifications, &c. amounted yearly to above eight or 10,000,000 livres. There were only a few bankers of Strasburg, the capital of this province, and these not very rich, who made some remittances of money for the troops. That gentleman adds, that it is from the same principle of their natural indolence, that the inhabitants of the *Upper* and *Lower Alsace* suffer the peasants of Switzerland, who come thither every year, to gather their corn, cut their hay, and manage their vintage; though by that means great sums of money are yearly carried out of their country, which they might save, had they but industry enough to do their work themselves.

Strangers, therefore, carry on the greatest part of the trade of *Alsace*, importing such commodities as the province wants, and exporting great quantities of its produce. This trade extends very far into Germany on one side, towards the Upper Rhine, and, on the other, into all the countries situate from Strasburgh to the mouth of that river.

The trade of *Straßburg* consists in tobacco, brandy, madder for dying scarlet, saffron, leather, tallow, wood, and large cabbages.

Part of these commodities are carried to Mentz, and into Holland; and of cabbages only, which seem a very trifling article, there are sold in these two places to the value of above 30,000 crowns every year.

The manufactures are mockado and bergamo tapestries, small woollen cloths, blankets, fustians, and linens of hemp and flax. There is likewise a copper mill, and a mill for spices. At *Straßburg* the magistrates alone carry on the trade of wood for fuel, which they sell even to eight livres *per* cord; nor will they suffer any private person to have a warehouse of such wood in the city, nor even in the neighbourhood.

It must be observed, with regard to this trade of wood, that, though the province of *Alsace* abounds with all sorts of wood, yet most of what is consumed at *Straßburg* comes from the other side of the Rhine, even in war time; by which means above the value of 200,000 livres is yearly sent out of the kingdom, without the least profit to the king's subjects.

The tanneries are also pretty considerable at *Straßburg*; but they scarce tan any other but what they call small leather, as chamois, goats, and sheep's skins; on which the city takes a duty of four sols *per* skin.

The trade of the rest of the province consists, first in timber, which *Lower Alsace* produces in abundance, most whereof is fit for ship-building, and is sent to Holland by the Rhine. Secondly, in wine of *Upper Alsace*, which is likewise exported into Holland, whence it is sent into Sweden and Denmark, where the Dutch sell it for Rheinish, or old hock.

Thirdly, in brandy and vinegar, which are made in those places whence they get the wine: these are designed partly again for Holland, and partly for Germany.

Fourthly, in wheat, rye, and oats, which grow both in *Upper* and *Lower Alsace*, and of which the Switzers buy up great quantities.

Fifthly, in hogs and other fattened cattle, which are almost all consumed within the country.

Sixthly, in tobacco, of which they sell above 50,000 quintals *per annum*, in Switzerland, Germany, Lorraine, and in the towns on the river Saar.

Seventhly, in saffron, turpentine, hemp, flax, tartar, tallow, gun-powder for fowling-pieces, chestnuts, prunes, and other fruits, and also in all other sorts of herbs and plants, as onions, cabbages, poppies, anise and fennel, and most other kind of seeds.

The trade of all these commodities, and particularly of seed, is very considerable, France, as well as Holland, taking off a great deal. As for chestnuts, prunes, and other fruit, the greatest demand they have for them is from Cologne, Frankfort, and Basil.

It must be observed, with regard to the trade which these two last cities have with *Alsace*, that it is almost entirely carried on by land-carriage, because of the danger there is in sending merchandizes by water, it being very difficult to draw vessels along the banks of the Rhine, and the rapidity of that river rendering the navigation of it very dangerous.

There are a great many manufactures in *Alsace*, but not of any very dear or very fine stuffs; the most considerable being of tiretaries, half of wool and half of thread, of buckram, canvas, and some linens.

The tiretaries and linens are consumed in the province; the canvas and buckram are sent into England, Holland, and Germany.

There are in *Alsace* mines of silver, copper, iron, and lead; none, except the iron mines, are plentiful; these lie towards Belfort. The silver, copper, and lead mines are at Giromani, St. Maria of the mines, Astenbarc, and Munster.

The silver mine of Giromani produces yearly about sixteen hundred marks of fine metal: that of copper, or rather of silver, which affords also copper, above twenty-four thousand weight of this last metal. But the expence of working these mines is almost equal to the advantage; and the duke of Mazarine, who owns them, does not get from them above five or six thousand livres a year clear profit. For preparing and melting the iron

ore of the mines of Belfort, there are several forges and furnaces in the neighbouring forests; and for those of copper, a great many furnaces and mills.

Monsieur Mackout of Hirscheim, knight of the military order of St. Lewis, of the body of the nobility, and a magistrate of the city of *Straßburg*, set up, in the year 1730, a manufactory of cast steel. It was after a considerable labour, and great expence, that this worthy magistrate carried that manufactory to a great degree of perfection: nor was it without meeting with innumerable difficulties, and great opposition; but at last he demonstrated, that it is possible to make in *Alsace* as good steel as that which they got from Germany, or was made in Sweden, Stiria, Carinthia, Tyrol, or any where else. The court of France being informed of the success of this new manufactory, the king honoured it with his royal protection, by granting to the Sieur Mackout an exclusive privilege for the whole province of *Alsace*.

ALSINE, the name of a plant, vulgarly called *chickweed*. Botanists enumerate twenty-two species of this plant; but that used in physic is the *alsina minor* of Park. 760. *Tourn. Inst.* 245. *Boerb. Ind.* A. 209. Dale says that it refrigerates and moistens, and has the virtues of pellitory of the wall, only it has no astringency: that it is very nutritive, and therefore a wholesome food for persons in an atrophy or phthisis.

ALTERATIVES, in *physic*, signify such medicines as induce a change in the blood and juices for the better, without any manifest operation or evacuation. *Alteratives* therefore must generally be either such remedies as destroy some prevailing acrimony in the *primæ viæ*, or in the juices; or else such as resolve concretions in the blood-vessels, and dispose them, when thus resolved, to pass out of the body by perspiration, or some of the least remarkable evacuations.

ALTERNATION, a term used to express the different changes or combinations in any proposed number of things.

The method of finding the number of changes, is by a continual multiplication of all the terms in a series of arithmetical progressionals, whose first term, or common difference, is unity or 1, and the last term the number of things to be varied. Thus if it were required to find the number of changes that might be rung upon six bells: the $1 \times 2 \times 3 \times 4 \times 5 \times 6 = 720$, the number of changes required. In like manner you will find the number which can be rung upon twelve bells $= 479001600$.

ALTHŒA, *marsh-mallow*, a plant much used as an emollient.

The roots of *marsh-mallow* are pretty large, thick, woody, and tough, and much branched, of a yellowish colour on the out-side, and whitish within, slimy and mucilaginous. The stalks grow to above a yard high, soft and downy; the leaves are covered with soft *pili* like velvet, of a yellowish-green colour, more angular, longer, and sharper than the common mallows. The flowers are also like the common in shape, but less, of a paler red colour, and without the deeper coloured veins; and when they are fallen, come like seeds, set together in a round, like cheeses. It grows in salt marshes, and maritime places, flowering in July.

The root and leaves, and sometimes the seed, are used. They are mollifying, digesting, and suppling, of great use in the strangury, gravel, and stone; in heat and acrimony of urine; against sharp corroding humours in the stomach and guts, which sometimes excoriate them, and cause dysenteries. They are likewise balsamic and pectoral, good to help a cough, hoarseness, and soreness of the *aspera arteria*. They are frequently ordered in clysters for the stone, and in cataplasms and fomentations against swellings and inflammations, and to ease pain; as also to suppurate and ripen tumours and imposthumes. Miller.

The leaves of the *marsh-mallow* are glutinous and insipid, and give no tincture of red to blue paper. Its roots have the same taste, but they stain it a little. Its glutinous juice, which appears to be a mixture of a great deal of phlegm, a considerable quantity of earth, acid, and sulphur, so clogs the acrid salt, that it cannot discover itself but by the fire; for it is certain, that by a chemical analysis, we obtain from the *marsh-mallow* a concrete,

concrete, volatile, and fixed lixivial salt. The acid is a little more disentangled in the roots, because they give a faint red colour to blue paper; nevertheless, in all probability, this plant operates chiefly by its glutinous juice, which the fire entirely destroys. *Martyn's Tournefort.*

ALTIN, a money of account in Muscovy. It is worth three copecks, 1000 of which make a ruble, worth about four shillings and six-pence sterling. See **RUSSIA**.

AL TOM, a name given in several parts of the grand seignior's dominions, particularly in Hungary, to what the Europeans commonly call a *sequin*. However, that name is seldom given but to *sequins* stamped with the Turkish monarch's stamp.

ALUDEL, in chemistry, an earthen pot or tube without a bottom used in sublimations. See *Subliming FURNACE*.

ALYPUM, **ALIPIA**, or **ALIPON**, in botany, the name of a plant, called in English *herb-terrible*.

In a memoir sent from Montpellier, to the royal academy of sciences, in the year 1712, notice is taken of the *alypum* of Montpellier, which is there said to be different from the *alypum* of Dioscorides; but if the description of Dioscorides be compared with that of more modern authors, and also the medicinal virtues attributed to it by each, it will appear that the ancient and modern *alypum* is the same plant.

It grows on hills, flowers in spring, and the herb is used. It is said to be a violent purger. Clusius assures us, that the decoction has been given with great success in the *lues venerea*. *Dale.*

AMADABATH, one of the biggest cities in the Mogul empire, is seated within eighteen leagues of Cambaye, and forty-five of Surat, on a little river which falls into the Indus. Its commerce is equally flourishing both at home and abroad, sending yearly large caravans to Agra, and transporting to Surat, Cambaye, and Brochia, its manufactured stuffs, and other merchandizes; the products of the country are brought there in return of their caravans.

It is reckoned there are twenty-five great towns, and above three thousand small ones, in the jurisdiction of this city, whose inhabitants are almost employed in working for the fabricks; of which the principal ones are of silk or cotton, pure, or mixed with one another, being a species of goods peculiar to the country, such as tulbandes, alligias, attelassics, baffetas, and chites; here are also made brocades, gold and silver stuffs, damasks, satins, taffeties, and velvets of all colours, alcatiffs or carpets, with gold, silver, silk, or stuff grounds; in fine, all sorts of cotton cloth, white or painted, which in fineness, beauty of designs, and vivacity of colours, do not yield to any in the Indies.

The greatest, or at least the best and most beautiful part of these manufactures, are destined for Surat; the Banians, who transact almost all the business of this last place, and are here as brokers to the European merchants, having their factors on the spot, who buy up the goods as soon as made, or being the undertakers themselves, have artificers to work for them. The products of the country are indigo, (which is cultivated and prepared abundantly in the territory of this capital, particularly at Sirches, which, though but a small town, has acquired great reputation by their perfect ordering of this drug) sugar-candy, and sugars, all sorts of sweet-meats, cummin, honey, lack, opium, borax, ginger, dry and candied, mirabolans, saltpetre, sal ammoniac, ambergrease, musk, and diamonds; but these three last commodities are brought from abroad, and re-sold to foreign merchants. It is here that the English and Dutch have their linen stained, and their saltpetre refined; and it is from this city, that all the blue cloths come, which are sent to Persia, Arabia, the kingdom of the Abissines, the Red-Sea, the coast of Melinda, Mosambique, Madagascar, Java, Sumatra, Macassar, and the Molucca islands.

AMAIN, a sea-term, signifying, at once. Thus, when they are hoisting up any thing, and desire to have it lowered all at once, they say, "amain let go," or, "let go amain." That is, let go at once.

AMALGAMA, in chemistry, is a substance produced by an incorporation of mercury with a metal. The chemical character for an *amalgama* is *a. a. a.*

The learned Boerhaave has specified the best methods of making an *amalgama*, which are as follows:

1. Melt some of the purest lead in a clean iron ladle, and then put into it an equal quantity of mercury, and stir them about with an iron rod: let them grow cold, and you will have an homogeneous mass of a silver colour, which will be considerably hard, but by rubbing will grow softer and softer: put this mass into a glass-mortar, rub it, and then add to it what quantity of mercury you please, and it will be united with it as salt with water.

2. An *amalgama* of tin is made exactly in the same manner; and this will also receive more mercury.

3. Take a solution of the best copper in *aqua fortis*, so much saturated with the metal, that it will dissolve no more; dilute this with twelve times as much clean water: into this liquor, when hot, put plates of polished iron, and the copper will be precipitated to the bottom, in the form of a powder, and the iron will be dissolved: proceed in this manner till all the copper is precipitated; pour off the liquor, and wash the precipitated powder with hot water, till it is perfectly insipid: dry the powder perfectly, put it into a glass-mortar, and, by rubbing, incorporate with it an equal weight of hot-mercury, and they will unite into an *amalgama*; which will also receive a further addition of mercury. An *amalgama* of copper, in any other manner, is very difficult to make.

4. Pure silver, precipitated from *aqua fortis*, may, in the same manner, be made into an *amalgama*.

5. Dissolve the purest gold in *aqua regia*, till it can take up no more; dilute the solution with twelve times as much pure water; put into it some polished plates of copper, and a powder of gold will be precipitated to the bottom of the vessel, and upon the copper. Let it stand hot, till the liquor will no longer be rendered turbid by an addition of copper; shake the plates, that all the gold may fall to the bottom; pour off the liquor, wash the precipitated powder with water, dry it, and then, in a glass-mortar, reduce it to an *amalgama* with mercury; and afterwards it will receive more mercury, like the other *amalgama*. Or, take a mixture of gold and silver, coppel it with lead, and by means of good assaying *aqua fortis*, separate the silver; then wash the black powder of gold that remains at the bottom, dry it, and whilst it is hot, rub it with mercury, and it will be perfectly reduced to an *amalgama*, which will receive more mercury, as before. All *amalgamas* are white from whatever metal they are made.

By these methods an *amalgama* may be made, without loss, from all metals, except iron: there are also other ways of doing it, but not without considerable loss of mercury, and danger from the fumes. Hence we see that mercury is the true solvent fluid of metals. For the uses of these *amalgamas*, see **GILDING**.

AMALGAMATION, the uniting metals with mercury. See **AMALGAMA**.

AMAN, a sort of blue cotton cloth, which comes from the Levant by the way of Aleppo.

AMASIA, a province of *Asia Minor*, is bounded on the north by the Euxine-Sea, on the east by Armenia, on the west by Anatolia Proper, and on the south by Caramania and Aladulia. It is divided into three districts, viz.

Pontus Galaticus, Pontus Polemoniacus, and Pontus Cappadociæ.

Pontus Galaticus, is situate on the northern side of Galatia, having the Euxine on the north, and Pontus Polemoniacus on the east. The chief place is

Amasia, called by the Turks *Amassan*, which, though advantageously situate on a navigable river, large enough to carry ships of the greatest burthen up to the town from the Euxine-Sea, has no considerable commerce. The chief is a manufacture of red linens, which are called Levantine cloths.

Pontus Polemoniacus lies along the same Euxine coast, having the Galaticus on the west, and the Cappadocius on the east. Its chief city is

Næocæsaria, or *Tocat*, which was burnt down about the beginning of the present century, to the ruin of a great number of merchants, who had considerable warehouses in it.

Its excellent situation for trade is an effectual means to recover it from such a disaster. It is, indeed, rightly looked

looked upon as the center of the Asiatic commerce. The caravans of Diarbeker come hither in eighteen days (men on horseback perform the journey in twelve.) Those from Tocat to Sinope go it in six, and to Prusa in twenty; and those that go hence to Smyrna, without turning to Prusa or Angora, take up about twenty-seven days with mules, and forty with camels. Those caravans carry on a very considerable commerce into all these parts, as well as into Persia. One of the chief manufactures of this place is the filken, in which are used vast quantities, not only of the Turkish, but also of the Persian silk, in making light stuffs, buttons, frogs, &c. The next is that of leather, which is chiefly of the yellow colour, and is carried by land to Sanfon, a small sea-port on the Euxine, and thence into all parts of Turkey and Europe. Some red linens are likewise here manufactured, which though inferior to those of Persia, are sent in great quantities into Muscovy, Tartary, and even into France. They are called Levantine cloths, but are chiefly made here and at *Amasia*. But the most considerable manufacture of *Tocat*, is that of copper, which they work here in great quantities, and in variety of utensils, such as pots, kettles, candlesticks, &c. which they send to Constantinople, Egypt, and other parts. They have their copper from the mines of Trebizond and Cassamboul, the former about three, and the latter about ten days journey from their city. About a mile out of *Tocat* is a large village, chiefly inhabited by Christians, who are mostly employed in tanning of leather. The greatest part of the people about *Tocat*, even as far as thirty or forty miles, are employed in the iron and copper manufactures.

Pontus Cappadocius extends from the Polemoniacus eastward, quite to Cholcis and the frontiers of Georgia; having the Lesser Armenia, and the river Euphrates, for its southern, and the same Euxine-Sea for its northern boundaries. Its chief place is

Trepizond, formerly one of the most flourishing cities of Asia, but now almost in ruins, and its harbour capable only of receiving saics; which, however, carry some of the goods of Armenia and Persia to Constantinople from this port; so that it may be yet said to have the best trade of any in the Black-Sea.

The AMAZONS RIVER, in America, begins at the foot of the mountains called *Cordillera*, about eight or ten leagues east of Quito in Peru. It runs first from west to east, turns afterwards south, and then, after many windings and turnings, holds its main course east, till it falls into the Atlantic ocean. Its fountains and mouths are very near under the equator, and the main of its stream is under the fourth and fifth degrees of south latitude. The rivers which fall into it on the north side, rise about one or two degrees north latitude; and those on the south side, begin some of them in ten, some in fifteen, others in twenty degrees south latitude. Its channel from Junta de los Reyes, about sixty leagues from its head, till it is joined by the river Marañon, is from one to two leagues in breadth. From thence it is from three to four, but grows broader as it advances towards the Atlantic ocean, into which it falls by a mouth fifty or sixty leagues broad, between Cape North, on the coast of Guaiana, and Cape Zaparate, on the coast of Brazil. From the spring-head to its mouth, it is 8 or 900 leagues in a direct line, but the windings and turnings make it about 1200. The rivers which run into it on the right and left, have their course from 100 to 600 leagues in length, and their banks are well inhabited by multitudes of people. The nations who inhabit about this, and the other rivers that run into it, are reckoned one hundred and fifty; and their villages so thick in many places, that they are within call of one another. Among these people, the Homagues, who live towards the head of this great river, are mostly noted for their manufactures of cotton; the Corospares for their earthen ware; the Surines, who live between latitude five and ten, for their joiners work. They make war upon one another, to purchase slaves for their drudgery, but otherwise treat them kindly enough. Their forests afford materials for building the largest ships. They have many trees of five or six fathoms round in the trunk, and inexhaustible stores of ebony and Brazil-wood, cocoa, tobacco, sugar-canes, cotton, a scarlet dye called rocou, besides gold and silver in their mines, and in the sand of their rivers.

Among the rivers that fall into the great one, the Napo, Agarie, Puromaye, Janussape, Corupatube, and others, have gold in their sands. Below Corupatube, there are mines of several sorts in the mountains. In those of Yaguare there are mines of gold; in Pieora there are mines of silver; on the river Paragoche there are precious stones of several sorts, and mines of sulphur, &c. near other rivers. On the Amazons river, about 200 leagues from the sea, there is a bosphorus, or freight, one mile broad, where the tide comes up, so that it may serve as a key to all the trade of those countries. But the Portuguese being already possessed of Pora, on the side of Brazil, Corupa, and Esthero, on the side of Guaiana, and Cogemina, an island at the mouth of the river, they may, by fortifying the island of the Sun, or some other place in its chief outlet, be masters of all the trade. The people know not the use of money, but barter one thing for another, and will give 20 s. worth of provisions, &c. for a glass-bead, or Jew's-harp.

AMBASSADOR, a person sent in a public manner from one sovereign power to another, and supposed to represent the power from which he is sent. The person of an ambassador is inviolable. *Ambassador* is, in popular language, the general name of a messenger from a sovereign power; and sometimes, ludicrously, from common persons. In the judicial and formal language, it signifies particularly a minister of the highest rank residing in another country, and is distinguished from an envoy, who is of less dignity. *Johnson*.

An *ambassador* is a person sent by one sovereign prince to another, to transact in the place of his sovereign, such matters as relate to both states. 1 *New. Abr.* 85.

An *ambassador* and *agent* are the same thing, if we consider only the function of their charges: only in this they differ; an *agent* hath charge to represent the affairs only; but an *ambassador* ought to represent the greatness of his master, and his affairs. *Molloy de Jure Maritimo*, b. 2. ch. 10. *sect.* 1.

Ambassadors are in two capacities, either ordinary or extraordinary: the ordinary *ambassadors*, are those who are commanded to reside in the place whither they are sent, unless they receive letters of revocation; and as the time of their return is indefinite, so their business is uncertain, arising out of emergent occasions; and commonly the protection and affairs of the merchants is their greatest care. The extraordinary are those who are employed upon some particular great affairs, as condolences, or congratulations, or for overtures of marriage, &c. their equipage is generally very magnificent and illustrious, and they may return without requesting leave, unless there be a restraining clause in their commission. *Molloy ib. sect.* 2.

By the laws of nations, none under the degree of a sovereign prince can nominate or send any in that quality; nor can any subject send or receive any *ambassador*, be he ever so great; if a viceroy do it, it is no less than high-treason; and so it was declared when the Scots, *inconsulto principe*, sent Loudon and others, in quality of private commissioners, to treat with the French king, Lewis the Thirteenth, in the name of the whole nation, for assistance; the king would not admit or hear them. So did Queen Elizabeth, when Christopher Assonville came into England in quality of minister of state, sent from the duke of Alva, then governor of Flanders, she refused to admit him, he not having any commission or credentials from the king of Spain. It is true, the electors and princes of Germany have obtained the privilege of sending and the reception of *ambassadors*; but that is limited only to matters touching their own territories, and not the state of the empire. And so likewise the Hans-towns may do the same; for they claim the like privilege, they being free imperial cities, and partake of the same regalia, either by prescription, or by grants from former emperors, whose necessities forced them to part with such royal flowers of the empire. They generally send for their *ambassadors* two persons; one of great birth, and who hath been a soldier, to maintain decency; and the other a doctor or lawyer, to regulate affairs with learning, and by the pen. *Molloy ib. sect.* 4.

Stat. 7 Ann. cap. 12. A. D. 1708. An act passed for preserving the privileges of *ambassadors*, and other public ministers of foreign princes and states.

Señt. 1. Whereas several turbulent and disorderly persons, having in a most outrageous manner, insulted the person of his excellency Andrew Artemonowitz Matueof, *ambassador* extraordinary of his czarish majesty, emperor of Great Russia, her majesty's good friend and ally, by arresting him, and taking him by violence out of his coach in the public street, and detaining him in custody for several hours, in contempt of the protection granted by her majesty, contrary to the law of nations, and in prejudice of the rights and privileges, which *ambassadors* and other public ministers, authorized and received as such, have at all times been thereby possessed of, and ought to be kept sacred and inviolable; be it therefore declared, &c. that all actions and suits, writs, and processes, commenced, sued, or prosecuted against the said *ambassador*, by any person or persons whatsoever, and all bail-bonds given by the said *ambassador*, or any other person or persons on his behalf, and all recognizances of bail given or acknowledged in any such action or suit, and all proceedings upon or by pretext or colour of any such action or suit, writ or process, and all judgments had thereupon, are utterly null and void, and shall be deemed and adjudged to be utterly null and void, to all intents, constructions, and purposes whatsoever.

Señt. 2. And be it enacted by the authority aforesaid, that all entries, proceedings, and records against the said *ambassador*, or his bail, shall be vacated and cancelled.

Señt. 3. And to prevent the like infolences for the future, be it further declared by the authority aforesaid, that all writs and processes, that shall at any time hereafter be sued forth or prosecuted, whereby the person of any *ambassador*, or other public minister of any foreign prince or state, authorized and received as such by her majesty, her heirs or successors, or the domestic servant of any such *ambassador*, or other public minister, may be arrested or imprisoned, or his or their goods or chattels may be distrained, seized or attacked, shall be deemed and adjudged to be utterly null and void, to all intents, constructions, and purposes whatsoever.

Señt. 4. And be it further enacted by the authority aforesaid, that in case any person or persons shall presume to sue forth or prosecute any such writ or process, such person or persons, and all attorneys and solicitors, prosecuting or soliciting in such case, and all officers executing any such writ or process, being thereof convicted, by confession of the party, or by the oath of one or more credible witnesses, before the lord-chancellor, or lord-keeper of the great-seal of Great-Britain, the chief-justice of the court of Queen's-bench, the chief-justice of the court of Common-pleas for the time being, or any two of them, shall be deemed violators of the laws of nations, and disturbers of the public repose, and shall suffer such pains, penalties, and corporal punishment, as the said lord-chancellor, lord-keeper, and the said chief-justices, or any two of them, shall judge fit to be imposed and inflicted.

Señt. 5. Provided, and be it declared, that no merchant, or other trader whatsoever, within the description of any of the statutes against bankrupts, who hath or shall put himself into the service of any such *ambassador* or public minister, shall have or take any manner of benefit by this act; and that no person shall be proceeded against as having arrested the servant of an *ambassador* or public minister, by virtue of this act, unless the name of such servant be first registered in the office of one of the principal secretaries of state, and by such secretary transmitted to the sheriffs of London and Middlesex for the time being, or their under-sheriffs or deputies, who shall, upon the receipt thereof, hang up the same in some public place in their offices, whereto all persons may resort, and take copies thereof without fee or reward.

Señt. 6. And be it further enacted by the authority aforesaid, that this act shall be taken and allowed in all courts within this kingdom as a public act; and that all judges and justices shall take notice of it without special pleading; and that all sheriffs, bailiffs, and other officers and ministers of justice, concerned in the execution of process, are hereby required to have regard to this act,

as they will answer the contrary at their peril.

Adjudications upon the foregoing statutes.

Strange moved to discharge the defendant out of execution, as being an *ambassador's* servant, viz. his English secretary; and it was objected, that he did not lie in the house; and the words of 7 *Ann. cap. 12.* are domestic servant: *sed per curiam*, the nature of his employment requires his attendance at the house, and it is not necessary he should lie there; and the general words all writs and processes shall be void, take in this case; and therefore the execution must be set aside. 2 *Strange* 797. *Easf. 1 Geo. 2. B. R.*

4 *Geo. 2. Widmore v. Alvarez.* In the case of the French *ambassador*, it was ruled, that the person need not lie in the house, but he must do some actual service there.

Rule upon hearing counsel of both sides was made, to discharge the defendant out of execution, by virtue of the statute 7 *Ann. cap. 12.* it being made appear to the court, that he was a domestic servant of the envoy from the elector Palatine, viz. his secretary, and that all the steps prescribed by the act were pursued. May 25, 1728. *Lord Raym. 1524. Easf. 1 Geo. 2.*

The defendant was secretary to the resident from Venice, but yet was taken in execution; accordingly, upon affidavit from the resident that he was so, and that his name was entered in the Duke of Newcastle's office, though it was not transmitted over to the sheriff of Middlesex at the time he was arrested, but a few days after; and upon affidavit that he offered to shew his testimonials to the officer, and that he really exercised the office, the court discharged him, notice being given of the motion. *Barnardist. Rep. in B. R. Mich. 2 Geo. 2.*

On rule to shew cause, why the defendant should not be discharged out of custody, being a servant to an *ambassador*; Mr. Reeves said, that the words of the affidavit, upon which the rule was made, only were, that he was hired in quality of a domestic servant to the *ambassador*, and did what service he required of him; but he objected, that it was not sworn, that he actually served the *ambassador* in the capacity he was hired in; and besides he said, the defendant has stiled himself apothecary in the affidavit; and by an express clause in the act, which gives protection to *ambassador's* servants, no one is entitled to such protection, who is liable to an act of bankruptcy. The attorney-general, on the other side, said, that by the defendant's stiling himself apothecary, it does not appear that he was any thing more than a journeyman, and in such case he would not be liable to become bankrupt; and as to the other objection, he submitted it, that the affidavit was certain enough. But the court said, it was necessary that the defendant should have sworn, that he actually served in the capacity he was hired; and upon that discharged the rule. *Barnard. Rep. in B. R. 4 Geo. 2.*

The defendant was arrested, and held to special bail, and moved to be discharged on producing a certificate from the French *ambassador*, that he was his master of horse. It appeared that he was a trader, and such a one as a commission of bankruptcy might issue against, and so the court discharged the rule to shew cause. 2 *Vin. 289.*

Upon a motion to supersede a process against the defendant, upon the statute 7 *Ann.* as being in the service of a foreign *ambassador*, the court held, that to be a privileged servant within the act, it is not required that the party actually live in the *ambassador's* house; neither is it enough that the party be registered in the secretary's office as a servant; but when he comes for the benefit of the act, he must shew the nature of his service, that the court may judge, whether he be a domestic servant within the meaning of the act of parliament. In this case, it was objected against the defendant, that he was a trader, and so expressly excluded from privilege by the statute: to which Mr. Solicitor-general, who was counsel for the defendant, answered, that by traders within this act, must be understood, such as may have the benefit of the statutes concerning bankrupts, which infants are not entitled to, as it was determined in one *Whitlock's* case; and that the defendant could prove he had exercised no trade since his full age. *Fitzgib. Rep. 200.*

Defendant

Defendant said, that he was a menial servant to the Mecklenburg ambassador. It was held, that menial servants are not within the act, the words being domestic, or domestic servant, who are such as are employed in and about the household affairs only.

The defendant, a courier to the Spanish ambassador, moved to stay proceedings. The plaintiff alledged, the defendant was a trader. It was answered, the trade was so inconsiderable, that it could not amount to a bankruptcy. It was again replied, that a probable cause will make a bankrupt; and it was further alledged, that the defendant being no domestic, had no settled yearly wages; and that being registered in the sheriff's office was not material: so the court discharged the rule to stay proceedings. 2 Vin. 288. Mich. 10 Geo. 2.

A domestic of the duke of Holstein, resident here, was arrested, and thereupon gave a bail-bond; and it was moved upon this statute to set the same aside; all the terms required by the act being complied with, and thereupon the arrest was set aside, and the bail-bond vacated. 8 Vin. 288.

A servant to the Genoese ambassador brought a bill in Chancery. It was moved that he should not proceed, till he gave security by bond in 40 l. penalty for the payment of costs of suit if awarded against him, in the same manner as where a plaintiff is beyond-sea; and a precedent was cited where a like order was made in the case of an ambassador's servant plaintiff in this court, and dated 25 July, 8 Ann. and it was ordered accordingly. 2 Vin. 288.

When ambassadors come to settled courts, which do, and must observe essential forms of proceedings, they must be governed by them; and therefore in the case of Don Diego Serviento de Acuna, ambassador leiger from the king of Spain, who libelled in the admiralty court, as prosecutor-general for all his master's subjects, against one Jolliff and Tucker, and Sir Richard Bingley, for two ships, and their lading of divers kinds, of the goods of the subjects of the king of Spain generally, and not naming of them *adduct. ad port. de Munster*, in the preface of the libel generally against them all, and then proceeds and charges them severally thus: "That Jolliff and Tucker, captain *piratae*, in *alto mari bellice dictas naves aggressi sunt, & per vim & violentiam* took them, and that they were *adducti in partes Hiberniae*, and that, coming into the hands of Sir Richard Bingley, he converted them to his own use (not saying where) and, refusing to render them, being required, it was there held that a prohibition should go, for the matter is triable merely at the common law, and that such a procuration was not good, though to an ambassador.

Don Alfonso de Valesco, ambassador to the catholic king, attached tobaccoes at land here, which one Corvero, a subject to the king of Spain, brought hither, and the ambassador, by the libel, supposed to belong to his master, as goods confiscated, as all other his goods were. Sir John Watts, the plaintiff in the suggestion, prayed a prohibition, which was granted accordingly, for the property of goods here at land must be tried by the common law, however the property be guided. See ADMIRALTY; and it was likewise ruled, that if any subject of a foreign prince bring goods into this kingdom, though they were confiscated before, the property shall not be questioned but at the common law of England. Don Alfonso *vers. Corvero*, Mich. 9 Jac. Hob. 212. Hill. 9 Jac. upon the like libel by Don Pedro Surega, ambassador for Spain.

By the civil law, the moveable goods of an ambassador, which are accounted an accession to his person, cannot be seized on, neither as a pledge, nor for payment of a debt, nor by order or execution of judgment; nor by the king or state's leave where he resides (as some conceive) for all co-action ought to be far from an ambassador, as well that which toucheth his necessities as his person, that he may have full security; if therefore he hath contracted any debt, he is to be called upon kindly, and, if he refuses, then letters of request are to go to his master; *Grotius, lib. ii. cap. 18*; so that at last that course may be taken with him, as with debtors in another territory: to some this may seem hard, yet kings, who cannot be compelled, want not creditors. But the lord

Coke seems to be of another opinion, *Coke 4 Instit. fol. 153*. "Certain it is, that none dareth presume to meddle either with their persons, goods, or servants, without leave had, the contempt of which hath been punished with imprisonment; but as to contracts and debts that be good *jure gentium*, he must answer here."

AMBER, *Succinum*, a species of bitumen, of a yellow transparent colour, and a resinous taste.

Various have been the opinions of naturalists, with regard to the origin of amber; but the following observations from Hoffman put the matter beyond dispute.

The earth, that rich storehouse of nature, contains in its bowels, not only metals, minerals, stones, earths, and salts of various kinds, but also cherishes within its bosom bodies of a sulphureous, unctuous, and tenacious substance, which pass under the name of bitumens.

The nature of bitumens does not in the least belong to the common and mineral sulphur, for this will by no means be resolved into oil and spirit by distillation; but bitumens, distilled in a glass vessel, afford oil and spirit, besides an exhausted and sluggish earth. Even the vapour, as well as the smell, emitted by mineral sulphur, are manifestly unlike the exhalations from bituminous bodies.

The principal distinction of bitumens is into the noble and ignoble kinds, and both these are either dry or fluid. Within the class of the noble kind, are comprehended *ambergriſe*, and *succinum*, or amber.

As to amber in particular, it is produced plentifully in Prussia, which is famous for being the proper and native country of it. Though this bitumen is generated in the earth, there is plenty of it found in the Baltic sea, on the shore of Sudwic, where it swims on the water, and is taken up in nets. Nor even is this amber produced from the sea, but, in tempestuous agitations of the waters, is washed out of the bowels of the earth by the waves, and at last thrown towards the shores. Very probably then, may this bituminous body be reckoned in the class of minerals; for it is a product of the earth, and is contained within its proper veins, as well as pit-coal, or other minerals.

The courses of these veins were discovered some years ago, by order of the king of Prussia, in the following manner: in digging, they first met with sand, which being removed, the next thing that presented itself was a stratum of white clay; digging under this, they opened a ligneous stratum, that seemed to be compacted of wood. Under this stratum, in most places, they found ore of vitriol, which, when exposed to the open air, shot forth in flowers of vitriol, free from the least tincture of copper, and like those which proceed from the Hessian iron ore.

At last, digging still deeper, they came to a stratum of sand, which proved very fortunate; for out of this, in several places, with convenient instruments, they extracted abundance of choice amber. After the same manner they get it out of the sand in the marquise, near Kustrin; and in the territories of Stolpen and Dantzic, it is also found in lumps.

Hence appears the falsity of the old fable, which would have us believe, that amber is the resin of trees, which distils from their bark into the sea, and is there digested, by the heat of the sun, into a body of that kind.

The manner in which this bitumen is generated, seems to be this: from that bituminous fossil wood, which we just now mentioned, by the accession of the subterranean heat, there distils an oil resembling naphtha or petroleum, which, in penetrating the subterranean strata, passes through the vitriol ores, where, by mixing with its acid, it is coagulated into a substance of a resinous form. The reasonableness of this opinion will appear from the following considerations:

1. That amber at its first growth was liquid, may be proved from its being often seen conglobated by nature itself into a spherical form.
2. Sometimes insects of various kinds are included in pieces of amber, which they never could have been, if the matter, in which they are circumscribed, had not been liquid.
3. We may conclude that amber is a concretion of an oil, nearly resembling petroleum, because oil of amber comes near to petroleum,

leuni, both in smell and virtue, and both of them are equally difficult to be dissolved by the highest rectified spirit. 4. Charlton, a very sagacious observer of nature, in his treatise of fossils, affirms, that pieces of this bitumen have been frequently found, in which naphtha and petroleum have been included. 5. The acid salt of amber is of a very fixed nature, and not inferior in virtue to the acid of vitriol. What will afford great light in this affair is that physical experiment, in which it is observed, that all distilled oils, scarce one excepted, and amongst them aromatic oils, being mixed with oil of vitriol, or pretty strong *aqua fortis*, condense into a kind of resinous mass, which, held to the fire, readily bursts into flame. 7. Fossil wood and coals, by distillation and rectification, yield an oil, very much like oil of *amber* and petroleum. 8. Lastly, the very disposition of the strata, which we have related, is strong proof of this matter. The first of these is ligneous, the second vitriolic, and the last composed of sand, at the bottom of which lies the *amber*, scattered here and there in small pieces.

Amber is of various colours; the best is reckoned the pellucid, quite free from spots. Next to the pellucid is the white, after that the yellow, and lastly, the brown, is the worst of all.

The most eastern nations of Asia, and particularly the Japanese, give a higher price for *yellow amber* than for *ambergrease*, and value it even more than precious stones, of which, except coral, they make but little or no use. But, amongst all the several sorts of *amber*, the yellow transparent *amber*, which is so common, and so little valued among the inhabitants of Europe, is that for which the Japanese give the highest price, because of its perfection, and the antiquity they ascribe to it. They despise all other sorts of *amber*. This is what Kæmpfer acquaints us with.

Oil and volatile salt of AMBER. If *amber* be pulverized, and mixed with an equal quantity of sand, bole, &c. it will afford, by distillation, in a glass retort, an extraordinary quantity of oil. And if the fire be augmented to an intense degree, towards the end of the operation, a salt of an acid taste will be left in the neck of the retort, which being separated from the oil, and again sublimed, is what we commonly call the volatile salt of *amber*, though it be not of a remarkable volatile nature, since it cannot be raised but by a vehement fire.

Boerhaave says, that the oil, when rectified, has a sharp, balsamic, stimulating, diaphoretic, diuretic, emmenagogic, and anti-hysteric virtue, and when externally used, by way of liniment, is very serviceable in restoring contracted, weak, paralytic, torpid limbs. That the volatile salt is gratefully acid, balsamic, unctuous, penetrating, preservative, and stimulating to the nerves and spirits, being a true volatile, acid, oily salt, and therefore a capital anti-hysteric and diuretic, especially if purified by a second distillation.

Powers of AMBER. This is a tincture extracted with alcohol from oil of *amber* ground in a mortar with sal ammoniac, by digestion. It is supposed to have the same virtue as the oil.

Tincture of AMBER. There are several ways of extracting a tincture from *amber*. Boerhaave's method is to reduce the *amber* into a fine powder, and grind it in a glass mortar with oil of tartar *per deliquium*; then to dry it in a warm furnace, and let it dissolve in the open air for several times: after which the tincture is to be extracted by pure alcohol.

This medicine is of wonderful service in hypochondriacal, hysterical, languid, cold, watery cafes, and convulsions often proceeding from them.

Liquid AMBER, is a kind of resinous or natural balsam, which flows, by incision, from a tree common in the West-Indies. It is a fat liquid substance, of the consistence of Venice turpentine, yellow, inclining to red, of an acrimonious taste, aromatic, and fragrant.

It heats and moistens, resolves and opens obstructions, and is an emollient and ripener. Its principal use is in obstructions and hardnesses of the womb, in hard tumours, &c.

AMBERADA. Thus they call the false, or factitious *amber*, which the Europeans use in their trade with the negroes on the coast of Africa, and particularly on the

river Senegal. There are some large and red pieces of it, 1000 of which making twenty ropes, or strings, weigh three pounds. There are others small, and also red, which weigh but two pounds and a half.

AMBERGRISE, or AMBERGREASE, is a solid sebaceous substance, not ponderous, of an ash-colour, variegated like marble, and marked often with white specks.

There are two kinds of *ambergrise*, the ash-colour and black. The first is to be preferred, when cleared of all filth, with a strong smell, light, and which, being pricked with a hot needle, drops a fat odorous juice. The black is less esteemed, as being mixed with earth or mud, or adulterated.

The pieces of *ambergrise* are sometimes found so large, as to weigh above two hundred pounds. It is found in great quantities about the Molucca islands, in the Indian sea, and frequently on the shores both of Africa and the East-Indies. Pieces of it are also met with on the northern coasts of England, Scotland, Norway, and Ireland, being thrown ashore by the tide.

The origin of *ambergrise* is a point that has been long debated amongst physicians and naturalists, some maintaining it to be the product of the animal, others of the vegetable creation.

Some assert that it is the dung of some oriental bird; and, as a demonstrative proof of their opinion, shew the claws and fragments of the beaks of birds, that are often found inclosed within its substance; which, being committed to the fire, emit the odour of an empyreumatic volatile salt, which smell is almost peculiar to bodies which derive their origin from the animal kingdom.

Others, on the contrary, attempt, to prove, that *ambergrise* is a kind of honey, which is made by the bees in the rocks by the sea-side; and, being afterwards attenuated and digested by the heat of the sun, becomes a substance of that fragrance we find it.

But these errors may be soon detected by plain chemical experiments; for all dung of animals, and honey too, admit of a solution in aqueous menstrua; but obstinately resist the highest rectified spirit of wine.

Some of the moderns have thought it to be a peculiar kind of resin, or tear, distilled from some tree, as yet unknown to us, in the eastern parts of the world, and afterwards transferred to the sea, where, acquiring a more perfect digestion by the heat of the sun, and by the sea-salt, it constitutes a resinous body of that nature.

But, besides many other reasons, what directly thwarts and overthrows this opinion, is, that all resinous bodies of vegetables will admit of an easy solution and extraction in the high rectified and phlogistic spirit of wine; whereas the contrary is true of *ambergrise*, which is very difficult to be dissolved in such a spirit. Besides, it is observed that inflammable bodies, produced from the earth, as *amber*, bitumen Judaicum, and sea-coal, are also difficult of solution, and are by no means readily united with a very spirituous liquor.

In Number 385, and 387, of the *Philosophical Transactions*, *ambergrise* is said to be a true animal concrete, formed in balls in the body of the male spermaceti whale, and lodged in a large oval bag, just over the testicles, near the root of the penis. It is, however, added, that to one spermaceti whale, which has any *ambergrise*, there are two which have none. But this opinion is absolutely overthrown by that learned chemist, Mr. Neuman, who has shewn that *ambergrise*, by a chemical analysis, does not produce any one animal principle; and therefore, whenever it is found in whales, it must have been swallowed by them.

These things considered, the most reasonable opinion is, that it is a species of bitumen, and owes its origin to the earth, out of whose bowels it is torn, and washed away by the violence of the waves, and carried into the sea, about the island of Madagascar, where the subterraneous parts are believed to be pregnant with that kind of bitumen.

This drug is much used by confectioners and perfumers, in giving a fine smell to their preparations; and physicians recommend it as proper to raise the drooping spirits, and accelerate their motion.

As it is very difficult to make a solution of *ambergrise*, and on that account rarely to be met with in the shops, we

shall give the learned *Hoffman's* method of performing this operation: Let the spirit of roses, perfectly dephlegmated, be twice at least drawn off from salt of tartar, calcined in a vehement fire. By this means there is produced a spirit, which, by its penetrating quality, enters the inmost substance of the *ambergrise*, and so separates and resolves its oleous contexture.

This solution of *ambergrise* is deservedly placed at the head of strengthening remedies, and such as corroborate the debilitated system of the nerves, and, consequently, has the preference of all such medicines as are appropriated to distempers, which proceed from a decay of strength in the nervous parts. *Hoffman*.

They sell at Amsterdam two sorts of *amber*, namely *ambergrae* and *black amber*.

Ambregrae sells from eight to sixteen guilders per ounce. The discount for prompt payment is one per cent.

The price of *black amber* is from five to eight guilders per ounce, with the same discount, or deduction, for prompt payment.

AMBER-SEED. See ABEL MOSC.

AMBLE, in horsemanship, a peculiar kind of pace wherein a horse's two legs of the same side move from the ground at the same time.

Several different methods have been proposed for bringing a young horse to *amble*; but they are in general attended with such dangers as render them of little use. And indeed the best method is to try with the hand by a gentle and deliberate racking and thrusting of the horse forwards, by helping him with your snaffle, which must be smooth, big, and full, and correcting him first on one side, and then on the other, with the calves of your legs, and sometimes with a spur. If you can make him, of himself, strike into an *amble*, though shuffling and disorderly, a great deal of labour will be saved; for that aptness to *amble* will make him, with more ease and less danger, endure the trammel, and find the motion without stumbling or surprize; but if you perceive that he will, by no means, apprehend your intentions, struggle not with him, but immediately make use of the trammel; which is a device, sometimes made of leather, but usually of rope, fitted to the horse's legs, to regulate his motions.

AMBOINA. The isle of *amboina* is situated in four degrees twenty minutes from the equinoctial line, at forty-two leagues distance from the isle of Banda, or thirty-four from Poulo-Rhon, the westernmost of this cluster, and consequently the nearest. Some authors place it amongst the number of the great Moluccas, although it has not above twenty-four leagues circumference: it is divided in two, so that from the isthmus, which separates the two parts, being very narrow, it seems to form two isles. The largest of these two parts is called *Hiton*, and the other not above half as big on the southern side, *Leytimor*; the first is twelve leagues long, and two and a half broad; and the other five leagues in length, and one and a half in its greatest breadth. The small peninsulas of this island, form a narrow gulph between them, of a parallel length with *Leytimor*, and something better than a league wide; both at its entrance and in the middle. Besides this great isle of *Amboina*, there are ten small ones very near, viz. *Ceram*, *Ceram-Laut*, *Bouro*, *Amblau*, *Manipa*, *Kelang*, *Bonoa*, *Orna*, *Honimoa*, and *Noussa-Laut*; these three last bearing the name of *Uliassers*, which with *Amboina* are the only four isles where any cloves are cultivated, the trees in all the others being grubbed up, as these produce sufficient to serve the whole globe. The Dutch company have redoubts and settlements in all the islands, as well to restrain the inhabitants from planting, as to hinder any contraband trade from being carried on. At *Amboina* they have several forts, in one of which the governor resides; this being the fifth of the company's governments in India.

When the Dutch first became masters of this isle, there were very few clove-trees in it, but they have since made such plantations, that it now produces more than all the Moluccas put together. The greatest crops are gathered at *Hiton*, *Louhon*, *Campbelle*, *Lesside*, *Nan*, *Caylolo*, *Cabeau*, *Larike*, *Vaccasikou*, *Ourien*, and *Affaloulo*,

part in the small, and part in the great isles. All the isle is divided into several villages, and each village into many orchards equally cultivated by the Dutch and natives, who are each obliged to plant ten clove-trees yearly, which has been the occasion of so great a multiplication, as not to leave room for the culture of other fruits, pulse, and greens for common use; these being brought from abroad, especially Batavia. The clove-trees of *Amboina* and its neighbourhood have, from one year to another, a good and a bad crop, which is different from the other Moluccas, where the other good crop comes only every fourth year, and sometimes every seventh. They have tried to plant nutmeg-trees in the isle, and have some few growing in gardens, though they thrive very poorly. At *Victoria*, there are magazines always full of stuffs, ready made cloths, cotton cloths, and other merchandize of India and Europe, where the inhabitants go to furnish themselves with what they want, on which the company makes large gains. The provisions, stores, and commodities from Batavia, are brought here yearly by two of the company's vessels, which on their return load entirely with cloves, which some years are produced in such quantities, that they are obliged to burn, or throw part of them into the sea, proceeding from the obligation the Dutch have laid themselves under to take all that the season yields, at a price agreed on with the owners.

It is supposed that here are more than sixty-thousand inhabitants, of which the least part are Dutch; so that these are forced to maintain large garrisons to awe the natives, in case they should be dissatisfied at the reception of their cloves. And it may be seen at what an expence both of blood and money the company have secured to themselves this branch of business; and yet, after all their care and precaution, it never has, nor ever will be, in their power to hinder the extraction of the spices entirely, and in the manner they endeavour to guard against, with so much jealousy; I mean by partly falling into the hands of foreigners. The total number of the clove-trees growing in all the places before-mentioned, are supposed to be about two hundred and fifty-thousand, *extra* of the young plants rearing, to supply the old one's decay; and as their fecundity is uncertain, and greatly varying according to the different seasons, I here add the products of seven successive years, that the reader may thereby calculate the average, viz. in 1705, two thousand and six bahares of five hundred and fifty pounds; anno 1706, twenty-six hundred and sixty-one bahares; anno 1707, seventeen hundred and ninety-eight bahares; anno 1708, fifty-nine bahares; anno 1710, nine hundred and thirty-six bahares; and anno 1711, thirteen hundred bahares. The English in the beginning of the seventeenth century, in the reign of king James I. had here a factory in conjunction with the Dutch; but the Dutch forcibly expelled the English factors in time of peace, tortured and put to death several of them, invaded and usurped the dominion of the spice islands, which had submitted to the English, and have kept possession of them ever since, monopolizing the fine spices, and excluding all the rest of the world from them.

AMBULANT, is said at Amsterdam of those brokers, or exchange agents, who have not been sworn before the magistrates. They transact business like the others, but their testimony is not received in the courts of justice. See AGENTS of Exchange.

AMERICA. Among the discoveries mentioned in history, whether owing to accident or reflection, that of *America* is not the least advantageous. This quarter of the world was for many ages unknown to the Europeans. At length the happy æra arrived, when industry, spirited up by resolution, was to remove all the difficulties, exaggerated by ignorance. It is so called from *Americus Vesputio*, a Florentine by birth, who, in 1497, was sent to improve the discoveries made by *Columbus*. The prodigious magnitude of this continent, the multitude and extent of its provinces, the variety of its climates, products, and curious particulars; and lastly, the distance and difficulty of one part communicating with another, and especially with Europe, have been the cause, that *America*, though discovered and inhabited in its principal parts



SOUTH AMERICA

of the late 18th century,
as it was in 1790,
by the late Robert,
with Improvements.

Longitude 17° from London

Longitude 17° from London



parts by Europeans, is still but imperfectly known by them, in many things, which would greatly contribute to give a more perfect idea of so considerable a part of our globe. What has hitherto been discovered, reaches from latitude seventy-eight degrees north, to latitude fifty-six degrees south; that is, 134 degrees, which, taken in a straight line, amount to upwards of 8040 miles in length. With regard to breadth, it is very irregular, being in some places 3690 miles, and in others, not above sixty or seventy miles over. The boundaries ascribed to it, are the lands about the pole on the north; the Atlantic ocean, which separates it from Europe and Africa, on the east; another vast ocean, on the south; and the Pacific ocean, usually called the South-sea, which divides it from Asia on the west.

This vast country was not discovered till the year 1492, when the enterprising genius of Columbus drew aside the veil of ignorance, and shewed it to the surprized inhabitants of the old world. The honour, however, of this great discovery has been claimed by almost all the maritime nations of Europe. The Spaniards tell us, that Columbus received his lights from the papers of captain Aldres, their countryman, who had been cast on the coast; and the French say he had them from Betincourt, who first discovered the Azores. It would be a difficult matter to determine this contest; but it appears that our claim to the discovery of this new world is prior to that of the Spaniards, whose pretensions seem to be the best grounded: no one can dispute the authenticity of those vouchers, whereby it appears that Sebastian Cabot, a Venetian, a man no less enterprising, or less skilled in navigation, than Columbus himself, was sent by our Henry VII. a year before the discovery of Columbus; and, having first discovered Newfoundland, sailed along the coast as far as Florida. We must not omit, that the Welsh claim a more ancient discovery than any yet produced; asserting that prince Madoc, son of Owen Guineith, was cast on the coast of Florida as early as 1170, or 1190. Though indeed some look on this relation as fabulous, it has a great many corroborating circumstances, that make it appear not improbable; for Meredith ap Rheife, who gives us the account, was prior to Columbus, and died in the year 1477, which is fifteen years before Columbus began his expedition. To this we may add the affinity between the language of the Welch and of some of the settlements in those parts, which receives some weight from the evidence of Mr. Davis, who tells us he met with a whole settlement that spoke the Welch language in its utmost purity; and from the tradition of some of the inhabitants, who assert, that their ancestors came from a country beyond the great waters, nearly about the same time, from the same point of the compass, or from the rising of the sun.

This may seem, in some measure, to account for the *Esquimaux*, the only people in the vast continent of *America*, that differ from the rest of the original inhabitants. They live in the north part of *America*, in a country called *Labrador*, but whether they reside constantly there or not is uncertain. They make excursions as far as the sea-coasts of Newfoundland; and they have been seen near Nelson's river, that falls into the west-side of Hudson's bay. They deserve the name of savages better than any people yet known; for they eat raw flesh, and have a thick beard that covers their faces up to their eyes, inasmuch, that their features can hardly be perceived. Their hair is generally black and rugged; their eyes little and wild, and their whole external appearance frightful and ugly. Their character and their manners are quite agreeable to their hideous appearance; for they are wild, fierce, distrustful, and always ready to do mischief to strangers. Their stature is rather tall than otherwise, and they have a pretty good shape; but their large beards and plenty of hair, the whiteness of their skin; their always going cloathed, and their having no resemblance of their next neighbours, leave no room to doubt, that they proceed from a different stock from the rest of the Americans: still their language, having no resemblance, as it is thought, to any we know of, must make us seek a different original for them from the Welch; for it may be well presumed, that though the

Welsh dialect is uncommon and little known out of Wales, yet some of our seamen, or the Bretons among the French, by their intercourse with this people, must have discovered the analogy of their language long before now, if there was any.

However, it is very remarkable that all the native Americans are near alike, except the just-mentioned *Esquimaux*; for they have all coarse black hair; and are without beards, nor yet have they any hair on any part of their bodies: some have pretended, that old women have been employed to pluck the beards and other hair up by the roots; but this is known to be a fable, which is confirmed by all the later and more sensible travellers. Besides, it is well known, that when hair is plucked off it grows again; therefore it must be wonderful that no hair is ever seen, not even on the bodies of those that have been brought to England.

The Americans in all the European plantations are very well known, and yet it might be doubted, whether those in the southern parts of *America* are like the other inhabitants; especially as some seamen have represented those near the straits of Magellan as giants, that is, nine or ten feet high. However, we have been undeceived in this particular by Sir John Narborough, who informs us, that both men and women are of a middle stature, and well-proportioned, with roundish faces, and low foreheads. Their eyes are black, and their noses of a middle size; their teeth are very white and close-set; but their ears are small. Their hair is black, coarse, and shaggy, and both men and women wear it of the same length. They are full-breasted, and their complexion is of an olive tawny, or rather red. They grease their bodies, and their faces are dawbed with spots down their cheeks that are both white and black, without any method. They have small heads and short fingers; and they are active and nimble in all their motions; their cloaths are made up with pieces of skins of seals, guanacoes, and otters sewed together, and are in the form of carpets, about five feet square. They wrap them about their bodies as the Scots do their plaids; and they have also caps made of the skins of fowls, with the feathers on. Instead of shoes, they have pieces of skin tied on their feet. They are a very hardy people, and seldom wear their garments when they are stirring about; but were quite naked, from head to foot, when he saw them, which was at a time when the hills were covered with snow. They have no hair on their bodies or faces, nor any thing to cover their private parts; only some of the women had a piece of skin before them. The garments of both sexes are the same, except that the women had bracelets of shells about their necks. The men are of a larger size than the women, and their faces more full. The speech of the men is very harsh, and when they talk there is a rattling in their throat; but that of the women is shriller and lower. They live upon what they get, and are under no government; neither have they the least sign of religion. The men have always bows that are ready strung, which are about an ell long, and their arrows about eighteen inches long; these are headed at one end with flint; and at the other there are two feathers tied on with the twisted gut of a beast. They have very large dogs of several colours, besides which they have no domestic animal.

Mr. Bouguer, who went into South-America to measure a degree of the earth, says that the Americans of Peru, who live in woods, form a kind of little republic, under the direction of a Spanish priest, and have a governor with his officers, of their own nation. They want vivacity, and are addicted to idleness; but they live in great harmony with each other, without the least distrust. The doors of their huts are always open, though they have cotton, calabashes, and a sort of aloes of which they make thread, besides a few commodities they trade with. They go almost naked, and paint their bodies and faces with red stripes. They are of all trades; for they build their own houses, make their own canoes, and weave their own cloth. They live upon the fruits of the earth, hunting, and fishing, by which they always get sufficient to maintain their families. There are other Peruvians called warriors, who have not yet been brought under subjection; but they seem to have the same

same manners and customs. The colour of these Americans is that of red copper, which is more or less dark, in proportion to their being more or less exposed to the weather. They have no beard, nor hair on their breasts, nor any other part of their bodies; but have long, coarse, strait hair on their heads.

The *Californians* are the least known to the Europeans of any in this part of the world. Those of Puerto Seguro in that country, who were seen by the captains Rogers and Cook, had long black hair, and dark skins, made so by dawbing them with grease; for, according to some accounts, they would otherwise be reddish. The men go quite naked, only they wear, or tie round their heads, a piece of linen, or a kind of net-work. They wear about their necks, and sometimes on their hands by way of ornament, various figures in mother-of-pearl, intermixed with small round fruits like beads. Their weapons are bows and arrows, or javelins, which they carry always in their hands for hunting, or defending themselves against their enemies; for wars are frequent among them. The dress of the women is somewhat more modest than that of the men, for they wear from the waist to the knee, a sort of apron made with reeds plaited like mats. They cover their shoulders with skins of beasts, and have network on their heads like the men. They have also necklaces of mother of pearl, intermixed with stones or kernels of fruit and sea-shells, which hang down to their waist. They are a very lively people, and are fond of joking; but they do not seem to have any form of government, nor yet do they shew any sign of religion.

If we compare this description of the Americans with what is recorded of some late discoveries made by the Russians, in regard to the inhabitants of *Kamtshatka* and the neighbouring parts, we shall have good reason to believe that *America* was first peopled from the north-east of Asia; for, though it now seems to be certain, that there is an open sea between the two continents, yet it is towards the north so narrow, that it may be easily passed in the canoes or boats made use of by the people on both sides, especially the straits between the *Tchukotschinof*, or cape, and the continent of *America*; and if any credit can be given to the people who live upon that cape, there is an island that lies opposite to, and within sight of the cape, to which they may, in half a day, pass over in their boats; and from that island may be seen, in a clear day, a large continent to the eastward, which is full of people, who, in every particular, resemble the *Tchukotschi* themselves; but this continent, they say, is a much better country than their own, as it has large forests of fir, pine, larch, and cedar-trees, and great rivers running from the east, and falling into the sea upon the west side of it.

It is therefore highly probable, that, many ages since, some people have passed over from the north-east of Asia to the opposite coast of *America*, and finding that country more fruitful, and better provided with game of all sorts than their own, it is natural to suppose that they would settle there; for hunting and fishing were the only methods they had been accustomed to, and procuring themselves either food or raiment: even to this day, the people upon the north-east coast of Asia, never think of sowing or reaping; and the character of being provident no ways belongs to any of the natives we know of in *America*. The north-west coast of *America* having been thus provided with a few inhabitants, it is also natural to suppose, that their posterity would from thence, by degrees, spread to the southward, and at last over the whole continent of *America*. This conjecture is strongly confirmed by two very remarkable circumstances: we know, as above observed, that the natives of *America* have no beards: the case is the very same with regard to all the natives inhabiting the north-east continent of Asia. Another circumstance is the total ignorance of that destructive as well as useful metal called iron or steel. The natives of *America* had found out the method of refining gold and silver, and of making several little trinkets of those metals; but they knew nothing of iron and steel, when the Europeans first came among them, nor had they any weapons or instruments of that metal: the Russians tell us the same of the *Kamtshatdales*, and the neighbouring nations upon the north-east coast of Asia.

They might, perhaps, have seen some iron or steel arms, or instruments among the Japonese, who happened to be shipwrecked upon their coasts, but they knew nothing of the metal itself, until the Russians came amongst them; and for this reason, the arrows, spears, and other weapons, they made use of in their wars, were pointed only with sharp flints, or fish-bones.

These, we know, were the only sort of arms the Americans had, when the Spaniards first arrived in their country; and, as these two people resemble one another originally in their arms, so they likewise still resemble one another in their conduct in war. The north-eastern Asiatics carry on their wars more by stratagem than bravery, as they never will openly attack their enemies, unless forced to it by necessity; and the male prisoners they take, especially if they are men of consequence, are treated with all manner of barbarity, such as burning, hewing them to pieces, tearing their bowels out whilst alive, and hanging them up by their feet till they expire; but it is not said, that scalping has as yet been introduced among them, probably, because they are not yet generally provided with sharp knives: nor was this cruel custom introduced among the Americans, till the Europeans provided them with instruments proper for the purpose, and promised them a reward for every scalp; but with regard to their male prisoners, they are still equally cruel with those we may now call their ancestors of Asia, and carry on all their wars more by stratagem, ambuscade, or surprize, than by bravery.

With regard to the form of government among the people in the north-eastern parts of Asia, we are told, that before the Russian conquest, they lived in perfect freedom, having no chief, being subject to no law, nor paying any taxes; the old men, or those who were remarkable for their bravery, bearing the principal authority in their villages, though none had any right to command or inflict punishment; and they were so ignorant of numbers, that none could count above one hundred, very few above twenty, and even that, not without the help of their toes and fingers. Are not the people in most parts of *America* still in the very same situation, both with respect to government and numbers? But it would be endless to take notice of every correspondence that may be observed in the manners and condition of these two people; and if we consider that for so many ages, there has never been any intercourse between the ancestors in Asia and their posterity in *America*, we must be surprized to find that they still agree in so many particulars; especially, if at the same time, we consider the vast difference there is known to be between the climate and the fertility of the two countries, and the many ages that must have passed over, before a few stragglers from the northernmost parts of Asia could have filled the whole continent and islands of *America* so full of people, as they were found to be when the Spaniards first arrived there.

But that this could not require a great number of ages must be granted, if we suppose, that they had not for ages any wars among themselves, nor any intoxicating liquors; both of which are highly probable: they could have no wars, because they had room enough to extend themselves on all sides, without driving others out of the parts they were possessed of; and by the dark accounts we have of the empires of Mexico and Peru, it seems that they extended themselves faster, and in greater numbers towards the south, and along the eastern coasts of *America*, than they ever did towards the east of that continent; which is further proof, that the western coasts of *America* were the first that were peopled. Then, as to intoxicating liquors, even to this day, they know nothing of such liquors in those parts of *America* which have not had the misfortune to be visited by any Europeans, as seems probable from the account of Captain Bering's voyage from *Kamtshatka* to the western coast of *America*, for at Schumagin's islands, upon that coast, his people presented a glass of brandy to an Indian who came on board their boat, which he tasted, but immediately spit it out again, and was so much affronted, that he would not accept of any of the presents they offered him; which is a proof that they had never tasted any such liquors.

From all which, we have reason to conclude, that the natives of *America* were all, without exception, originally descended

descended from the people of the north-eastern coast of Asia; for even as to the *Eskimaux*, (if they were not of a Welsh original, as it is very probable they are not,) we know so little of them, that we cannot positively say, whether or no they had any beards, or any knowledge of iron, when we first began to visit that coast: if they had, it is probable they came originally from Norway, or Iceland, to Greenland, and from thence to *Labrador*, after the rest of *America* had been peopled, which prevented their spreading themselves to the southward; and this, consequently, is an argument for, rather than against, what has been said, with respect to the origin of the rest of the people of *America*.

In the variety of the climates of *America*, there must necessarily be a great variety of soil. The most northern and southern parts are rendered more barren by the excessive cold, but the rest is an immense treasury of nature, producing most of the plants, grains, fruits, trees, metals, minerals, &c. known in the other parts of the world, and those in great plenty; besides an infinite variety of others, peculiar to itself, as not having yet been found in any other country. But the chief wealth consists in the inexhaustible mines of gold and silver, which, though the labour and art of man have been continually endeavouring to drain for above 200 years, are yet so far from being impoverished, that they seem rather to want fresh supplies of hands to bring these subterraneous treasures to light.

Nor are gold and silver the only rich productions; there have been such great quantities of pearls, emeralds, amethysts, and other precious stones found here, and brought into Europe, that the value of those commodities is considerably diminished to what it was before.

To these may be added a vast number of other commodities, which, though of a lesser price, are still nevertheless very valuable and useful. Of this sort are cochineal, indigo, anatto, logwood, brazil, suttic, *lignum vitæ*, sugar, resin, ginger, pimento, cocoa, vanilloes, cotton, red wood, tobacco, turpentine, train-oil, naval-stores, furs of various sorts, hides, ambergrease, bezoar, balsam of Tolu, Peru, and Chili; jesuit's-bark, mechoacan, sassafras, sarsaparilla, cassia, tamarinds, and a wonderful variety of other drugs, woods, and plants; to some of which, before the discovery of *America*, we were either utter strangers, or forced to buy others at an extravagant rate from Asia.

The prodigious variety of excellent fruits which grow here, such as pomegranates, citrons, lemons, oranges, malicacious, cherries, pears, apples, figs, with all the culinary, medicinal, and other herbs, roots, &c. would be endless to enumerate. These are among the native productions of *America*; and its soil is so kindly and fruitful, that it nourishes many of an exotic growth in the greatest perfection; which is very remarkable in coffee, cultivated here of late with surprizing success. And though the Europeans, upon their first landing, found no corn; yet all sorts of grain are now produced, equal in quantity and goodness to any in the world. To which may be added sheep, hogs, oxen, goats, cows, &c. which have been transplanted from Europe, and have multiplied exceedingly.

Their seas abound with the greatest plenty and variety of fish, as do likewise their rivers, which are the largest and longest in the universe; and, in comparison whereof, those of Europe are no more than small brooks. The river of Canada, or St. Lawrence, in *North-America*, is known to run more than 1,500 miles, and is ninety miles over at the mouth. That of the Amazons in *South-America*, which rises in Peru, waters several large kingdoms in a course of 3,600 miles; and falling into the sea between Brazil and Guiana, rolls with such rapidity, and with such a prodigious quantity of water, that they take it quite fresh out of the sea, at several leagues distance from the mouth of it. That of Rio de la Plata is computed at least 150 miles in breadth at the place where it discharges itself into the ocean: besides a great number of others, not much inferior to these.

Upon the discovery of *America*, the Spaniards possessed themselves of the largest and richest part of it. Hence they derive immense treasures yearly, and the kingdom of Old Spain may even be said to depend wholly on the New for the support of her finances, and to owe all her opu-

lence and grandeur to her extensive colonies in these parts.

On the continent they have all *South-America*, except Brazil, on the western ocean, which belongs to the Portuguese, and except some parts either of Chili, or in the Magellanic land, on the isthmus of Darien, whose inhabitants they have not yet been able to bring under their subjection; and whom, on that account, they stile *Indios bravos*, brave or courageous Indians: except, likewise, the vast country of the Amazons, and almost the whole country of Guiana, where the French and Dutch have some settlements, but the Spaniards very few, if any.

The Spaniards have an immense wealth from *America*; yet other nations partake thereof, as we shall see presently; for the king of Spain has at least two millions sterling *per annum* revenues from thence, including the *indulto* on the goods brought back in return for the cargoes sent out by the other merchants of the several European powers who trade there, as well merchandize as money: the Spanish merchants have their commission for the returns, and have oftentimes the profits made in New Spain, paying the foreign merchants such a rate as they agree on for the goods at their going out; and this is very great, and enriches the merchants of Cadiz, Port St. Mary, Seville, and other places, to a very great degree.

The produce of the several countries in *Spanish-America*, are as follows: 1. Gold and silver in Mexico. See MEXICO. Silver and no gold in Peru. See PERU. Gold and no silver in Chili, and in the government of Veragua and New Granada. The quantities of gold and silver in all these parts of *Spanish-America*, are without measure, and without tale.

N. B. In the general accounts which we have of New Spain, travellers make mines of gold and silver in almost all the provinces of this great country: but we are assured that this is a mistake; the gold comes chiefly as above; there may be some gold found in the rivers, in the country about Carthagená, and St. Martha, but not in any other parts, that we have yet seen duly confirmed.

2. Sugar is another article, whereof there is an exceeding quantity, chiefly on the side of the bay of Mexico, Guaxaca, &c. But by the multitude of the inhabitants, and their luxurious way of living, the sugar is chiefly consumed in Mexico, and in the religious houses, in chocolate, sweet-meats, preserves, and confectionary wares. The quantity, however, sent from Guaxaca and Guatimala, and other provinces to Mexico, and to Panama, is exceeding great; so that it is a considerable branch of home-trade.

3. Tobacco. This is a very fine sort, though different from that of the Brazils; it is generally made all into snuff; of which the galleons bring great quantities. It is chiefly had at St. Martha, Carthagená, and that side of the gulph.

4. Cotton, which they manufacture at home, and drive a great home-trade in the goods made of it.

5. Indigo, esteemed the best in the world.

6. Cochineal, a very valuable merchandize, chiefly found in the government of Tobasco.

7. Valuable drugs of several sorts, as aloes, cortex peruvianus, or jesuit's-bark, Paraguay tea, sarsaparilla, balsams of divers kinds, and balm, some of Carthagená, the other of Tolu, brimstone, pimento, green stone for the gravel, cantharides, or Spanish flies, cassia, olcacasam, an antidote against poison, manna, amber liquid and solid, soap-root, myrrh, &c. &c.

8. Hides and skins, brought from Buenos Ayres, and the Havannah.

9. Chocolate.

10. Jewels, as torquoises, pearls, emeralds, coral, topaz, jasper.

The produce of these greatly extended dominions, with respect to trade, must be farther distinguished, as the several countries peculiarly distinguish them in their commerce. For here is a very considerable circulation of trade among themselves, as well as return to Europe; and perhaps more than in any other part of the world, out of Europe, China excepted. It is, therefore, necessary to distinguish between the produce of the country, which is sent to Europe as merchandize, and the produce carried from one part of *America* to another, for their home consumption. For example, wheat and barley are sent in great quantities

from Neoya, Guaxaca, Venezuela, Honduras, Coquimbo, Ifalcalla, and Chili, to Panama and Lima, and also from New Biscay to Mexico. The last town and country of Ifalcalla is called the granary of Mexico. Guatimala also has good wheat. Timber, pitch, and tar, hemp and cordage sent from Guiaquil for ship-building, to Panama, Lima, and Acapulco. Most of the great galleons for the South-Sea trade are built at Guiaquil, where they have naval-stores; also at Chiapa, Tabasco, Trinidad. Cotton spun and woven into several sorts of manufactures, in Jucuman, Niguaragua. Cotton unwoven, and for others to work into manufactures, but more generally wrought among themselves, at Vera Paz, Crudad Real, Guaxaca, and Mexico.

They have black cattle at New Granada and Carthage, Venezuela, Jucuman, Coquimbo, which three latter places supply the coast of the South-Sea. Nicaragua, Campeachy, and Guaxaca, send great numbers of black cattle to Mexico. Chiapa, La Plata, have the best horses and mules. Nicaragua, Chili and Chiopa, have sheep, which carry burdens, and travel all over Chili and Peru. The sheep carry the silver from Potosi to the sea-side.

They have a very great consumption of tobacco made into snuff among themselves; and it employs many ships to carry it from one place to another. The largest quantities of it are brought from the Havannah, on the isle of Cuba, which is carried to La Vera Cruz and Porto Bello; and sold to the merchants of Mexico at the first, and of Peru at the other. At Venezuela is the finest tobacco in all New Spain.

Cocoa is also a very great article in their merchandize; it is produced chiefly at Guatimala, Vera Paz, Soconufca, Crudad Real, and Guaxaca. The nuns have the chief trade of making it into chocolate: it is thought they drink more chocolate in the city of Mexico, than in all New Spain. Sugar is a general product in all the Spanish colonies in *North-America*, at Mexico, Nicaragua, Guaxaca, Crudad Real, Guatimala, Ifalcalla, &c. It is consumed in great quantities in Mexico, and the most populous cities; and large quantities are carried to Panama, from whence they carry it by sea to Lima, to Guiaquil in Peru, and to Baldivia in the remotest parts of Chili. This is a considerable article of their home trade, as before noticed.

They have some manufactures among them too; for the people spin cotton with great application, and they make abundance of necessary things of it, which they could not have from Europe but at an extraordinary price; as particularly they make a coarse stuff for the poorer sort of people, called *mestizos*, with which they clothe themselves, and of which they make hammocks to lie in.

They make also a kind of Segovia cloth, of sheep's wool, and cotton-wool, mixed together; and this is carried through the country on mules to be sold, like as the pedlars in Poland carry linen from place to place. This cloth is generally bought to clothe the free Christian Indians, who live in great numbers in the villages, and even in the largest cities, and drive trades according as they are brought up and taught when they are young; particularly, they are carpenters, masons, husbandmen, vine-dressers, planters, &c. Some of these have great farms, and are well turned for making of sugar and indigo. There are above 120,000 families of them in the city of Nicaragua, and the country adjacent, generally employed in feeding black cattle, and planting corn; with both which they supply the greatest cities toward Ifalcalla and Mexico.

The several kingdoms of this country are so vastly large, that great numbers of people, and of cattle, are employed to carry by land the growth of one country to another. The people of Nicaragua, and of the Honduras, employ 30,000 mules and horses to carry corn, sugar, cocoa, and other goods into the inward provinces; they carry those things, as provisions, even to Mexico itself.

Every time the galleons arrive from Europe, there are an infinite number of people of all sorts, as well Peruvians and Chilians as Spaniards, who come from the remotest parts of the Spanish countries to Porto-Bello, with servants, mules, guanicoes and other carriage, to trade for those European goods; and for the payment, they bring in the first place the bullion, which, as it is heavy, and must come at least over land from Panama, so it requires

abundance of cattle for carriage; others bring it by land-carriage from the countries whence they come, as from Cusco and Quito in Peru, over the mountains; and more still from Lima, and some come even from Chili itself, which is a strange journey for length.

The latter of these, it is true, bring nothing but gold, and generally come from Baldivia and St. Jago by sea to Lima, and the rest by land: but then these convey the European goods, which are bulky rather than heavy, up the river to the lake of Nicaragua, and so to Panama.

As there is a vast flux of trade thus between Porto-Bello and Panama on this occasion, so there is a very great trade from all the coast of Chili and Peru directly to Panama by sea; inasmuch, that on these occasions, there shall be seen in the bay and road of Panama, three or four hundred sail of ships at a time, against the approach of the fair at Porto-Bello.

In like manner, for carrying the treasure for the galleons, from Mexico, and the country of Paetneca, which is about sixty miles north from Mexico, to La Vera Cruz, when the galleons come from Old Spain, the number of carriages, men, and horses, are incredible. The silver mines in and about that part of the empire of Mexico, are hard to be reported; for the account would be looked on as fabulous and impossible.

The number of slaves, Indians and natives, employed in these mines, is proportionably great, besides above 10,000 Spanish Indians, and Creolian Indians or *Mestizos*, that is to say, begotten between a Spaniard and a Mexican; and besides 7 or 8000 families of real Spaniards, who live among, rule, and govern the rest. Add to these, the numbers of people, horses and mules, employed to carry all the treasure and merchandize between Mexico and La Vera Cruz.

The product of the country there is not sufficient to supply these, and the city of Mexico cannot supply them; therefore corn and cattle, and other provisions, are brought a long way for their support.

The carriage back again to other parts from La Vera Cruz, of the European goods which come by the galleons, is a very considerable article of trade; and particularly the carriage also of tobacco, sugar, and other produce of Guatimala, and the adjacent country of Guaxaca, which comes by sea to La Vera Cruz from the south-coast. All this is said to employ above 60,000 horses, mules, asses, and a proportioned number of men.

Cochineal is brought thus over the mountains from the country of Guadalaxara, north-west from Mexico about three hundred and twenty miles. It is brought on horses and mules, with which the country abounds.

This account of the inland trade and land carriage of New Spain, being so considerable an article of commerce, naturally brings us to speak of the trade of Acapulco on the South-Seas, as it respects the land part chiefly: but for this see the article ACAPULCO.

In order to comprehend the whole of the trade of *Spanish America*, we should take some notice of the supplies of all the goods they call for from Europe: for this we refer to SPAIN and SPANISH AMERICA for a more particular account.

We shall, however, here give a sketch of the great value of the returns made to Europe for this trade, from whence some calculation may be made by it of the value also of the goods exported from Europe. That some rational conjecture may be made of the magnitude of this whole trade in general, and the wealth of the Spanish dominions in America, in particular, we shall here exhibit the draught of a cargo of one of the least fleets or floats from La Vera Cruz, that came some years ago, and which consisted but of the galleons, and a *pelache*, or advice-boat; that arrived at Cadiz in July, 1723. It is as follows:

Pieces of eight	705,626 for the king	} duly registered.
Ditto	7,621,586 for the merch.	
Old plate	174,348	} also register.
Gold	403,277 in pistoles coined	
Ditto	15,325 in dust	
	8,920,162	

N. B. This is all what they call registered plate ; the plate unregistered is sometimes equal to it, and always very considerable.

Merchandize by the same fleet.

Cochineal	1,425 bales	Coral	8 chests
Indigo	1,931 ditto	Oil of myrrh	6 flasks lar.
Cocoa	920,000 lb. wt.	Ointment ditto	57 ditto
Vanelloes	70,000 lb. wt.	Powd. of oxaca	22 ditto
Jallap	458 bales	Prefents	263 chests
Cortex Peru.	67 ditto	Chocolate	114 chests
Lapis Contrayerva	37 ditto	China ware	18 ditto
Sarfaparilla	37 ditto	Liquid amber	11 boxes
Pearls	2 boxes	Bees-wax	8,716 quintals
Emeralds	1 ditto	Dress'd hides	1,527
Ginger	27 casks		

After the arrival of the above flota, came in the same season two ships from Buenos Ayres.

C A R G O.

Pieces of eight	498,326	for the king.
Ditto	2,753,842	for the merchants.
Gold	326,790	in dust for the king.
Hides	37,726	dried.
Paraguay tea	463	chests.
Cortex Peru.	237	bags.
Amber	38	boxes.

Another flota, which arrived in Spain in April 1727, being the same which, at that time, lay long blocked up at the Havannah, for fear of a war with England, consisted of seven galleons and four merchant-ships, exclusive of one ship lost upon the Azores or Westward Islands: this fleet was exceeding rich, and brought, besides private sums unregistered, and besides merchandize,

14,316,794 pieces of eight in silver.
123,840 in gold.

The ship lost had two boxes of coined gold, and 236,178 pieces of eight in silver. The merchants goods we had no estimate of.

At the same time, the galleons blocked up in the harbour of Porto-Bello, by Admiral Hosier, had on board no less than twenty-six millions of pieces of eight in specie, besides merchandize: at the same time also, an English ship called the Royal George, laden there, for the South-Sea company of London, had on board near a million of pieces of eight in treasure, besides merchandize; and another South-Sea ship at La Vera Cruz had near as much.

These are sure testimonies of the immense wealth of *Spanish America*, and of the great extent of the commerce from Europe thereto, of which the above were the returns.

After this, no question need be asked, to what a height such commerce may not be carried. It has advanced not considerably since; for though the trade of particular European nations may have declined, yet others have advanced, which has been, and always will be owing to the encouragement given to trade in Old Spain.

The islands in *America* belonging to the Spaniards are *St. Domingo*, otherwise called *Hispaniola*, which the French share with them at present; *Cuba*, *Porto Rico*, *St. Margaret*, and some other less considerable, which the Spaniards visit sometimes, but where they have no colonies. See SPAIN, *Spanish America*, ACAPULCO, MEXICO, PERU.

Before the last definitive treaty of 1763, France had on the continent of *America*, *Canada*, where are *Quebec*, *Montreal*, *Port-Royal*, *Richieu*, and *Frontenac*, the *Mississippi*, and *Louisiana*: but since the said treaty, these are annexed to the crown of England, and the privilege of navigating on the *Mississippi* is allowed to England as well as France.

Before the war, France had the islands of *Martinico*, *Guadeloupe*, *Desirada*, *Marigalante*, *St. Bartholomew*, *Granada*, and the *Granadines*, and they pretended a right to *St. Vincent*, *St. Lucia*, *Dominica*, and *Tobago*; but since

the said treaty, *Granada*, and the *Granadines*, *St. Vincent*, *Dominica*, and *Tobago*, are annexed to the crown of England, and *St. Lucia* is given to France, and the former are their ancient islands, of which we dispossessed them in the last war, and restored to them at the last peace.

Before the treaty of 1763, the French possessed the southern part of *St. Domingo*, *Cape-Breton* or *Louisburgh*, the island of *St. John's*, the island of *Anticofle*, the *Madeline* islands, and others dependant on *Canada*. Since the last peace, the French retain their part of *St. Domingo*; but *Cape-Breton*, the island of *St. John*, the island of *Anticofle*, together with the island of *Madalene*, and all dependencies on *Canada*, are ceded to Great-Britain; and the French have the islands of *St. Peter* and *Miquelon* ceded to them for the shelter of their fishermen, without the liberty of making any fortifications; and it is stipulated, that they are to keep a guard of fifty men only upon them for the police.

The Portuguese have in *America* the coast of *Brazil* only, which extends from the river of the *Amazons* to that of *St. Gabriel*, near the river *Plate*. That coast is divided into fourteen captainships or governments, of which those that are best known in Europe are *Fernambuco*, or *Pernambuco*, *Santos*, or *Baya da todos los Santos*, i. e. the Bay of all Saints, and *Rio Janeiro*. The rich gold and diamond mines of this country afford the Portuguese a constant supply of wealth; and the trade they carry on thither is the support of their kingdom.

The Dutch, who have so large a share in the East-Indies, have but a very small one in those of the West. Their islands are *Saba*, *St. Eustatia*, and a part of the isle of *St. Martin*; all these are the smallest and most inconsiderable of the *Antilles*. But, to make the Dutch some amends, they are in possession of *Bonaires*, *Aruba* or *Oruba*, *Curassou*, which is also spelt *Curacao*. These not lying at any great distance from *Carthagen*a and *Porto-Bello*, afford the Dutch frequent opportunity to carry on a very profitable contraband trade, which the Spanish governors are used to wink at.

They have also *Surinam*, at the mouth of the river of the same name, on the coast of *Guiana*; besides *Banron*, *Aperuace*, and *Berbice*; all these are on the continent, and are, as it were, separated by *Cayenne*, which belongs to the French.

The Danes are settled on the small island of *St. Thomas*, where the Hamburgers also have a small factory. This island is not far from *Porto-Rico*. They are also now in possession of *Santa Cruz*, and of one of the small islands called the *Virgins*.

The duke of Courland, with his people formerly, as well as the Swedes, made some attempts to get a footing in this new world; the former in some of the *Antilles*, and the latter in *North-America*. But their projects met with no success.

The same may be observed of the Scots, who, in the beginning of the seventeenth century, settled in the isthmus, and on the river of *Darien*, from whence they were driven by the Spaniards.

By this Survey of *America*, and of the territories belonging to the several European potentates, who share this part of the world among them in colonies, a good judgment may be made how greatly the general traffic and navigation of Europe depends on *America*. And, indeed, it is worth observation, that the trade from the several mother kingdoms interested in *America*, to their respective colonies there, may be looked on in the light of their own branches of foreign trade, as being under their own direction and regulation: and it must be allowed, that experience hath hitherto shewn, that those powers who most wisely cherish their plantation-trade and navigation in *America*, in due subserviency to the prosperity of their particular mother-countries, are likely to have the greatest share of mercantile shipping, the best nursery for seamen, and, in a word, to be the best capable of maintaining the dominion and sovereignty of the seas.

America, more especially its islands, depend greatly on Africa, which supplies the several powers therein concerned with negroes, to do their slavery in their respective plantations. To the Spaniards and Portuguese, the Blacks are particularly useful in their gold and silver, and diamond

diamond mines; to the English and the French in the production of their sugars, tobacco, rice, indigo, &c. &c. And in their islands particularly, it has been said that the Europeans cannot sustain that labour and fatigue in those climates equal to what the negroes are experienced to do. This, however, has been looked on by many wise and good men, as a pretext to subject that race of men to slavery; for, if the Europeans were obliged to live as soberly as the negroes, they would be as able to undergo the real slavery the negroes do in some plantations, especially in the French sugar-colonies, where in order to raise their colonies as suddenly as possible, they regard no hardships they put on their negro slaves: and by these means that rival nation first supplanted England in the sugar-trade of most parts of Europe.

The communication between *America* and *Asia*, though far from being so large as the circumstances of each will admit of, has, however, of late years, been carried to a pretty considerable extent, and is productive of mutual advantages to both. The commerce of the Philippine islands depends, in a great measure, on the two large ships which arrive thither yearly from *Acapulco*, bringing to the value of 10,000,000 of pieces of eight, in goods and specie; and the returns they make in all the choice products of the East-Indies, are dispersed from *Acapulco*, some in smaller vessels to the sea-coasts of *Peru* and *Chili*; but the greater part to *Mexico*, by land-carriage, which is 240 miles; whereby a great number of people, horses, mules, and carriages are employed. Add to this, that the exports from *America* to the *Philippines* come chiefly from *Mexico* to *Acapulco*, by the same land-carriage. See ACAPULCO.

For the trade of *America*, as the same relates to the interest of the powers under whose dominion the several colonies are, together with the peculiar laws and regulations made to render them more beneficial to those several powers; see *British AMERICA*, *Spanish AMERICA*, *French AMERICA*, *Portuguese AMERICA*, *Dutch AMERICA*.

AMETHYST, in *natural history*, is a gem, or precious stone, of a beautiful colour, being a mixture of blue and red, which form different degrees of purple.

Sometimes this gem is found without any colour, and whether naturally so, or divested of its colour by fire, it is scarce to be distinguished from a diamond, except by its degree of hardness. This stone is found of various sizes, from that of a small vetch, to that of an inch and a half in diameter; its forms are likewise different, being sometimes roundish, sometimes shaped like a pear, but most commonly hexangular, and pointed like crystals.

Amethysts are not only common in Italy, but also the Pyrenean mountains, and those of Auvergne in France, afford very good ones; and some of the finest sort are dug out of a mountain near Vic in Catalonia, where they are lodged among a reddish earth in the perpendicular fissures of the rock.

The oriental *amethysts* are generally reckoned the best; but some of these found in Silesia and Bohemia, as well as in other parts of Europe, are little inferior to those imported from the Indies, either in hardness or beauty.

Some have pretended that the *amethyst* worn on the finger, or drank in powder, prevents drunkenness; but this virtue, like many more ascribed to gems, is only imaginary.

AMIALE, or AMICABLE NUMBERS, are those which are equal to the sum of each other's aliquot parts.

Thus the number 284, and 220, are *amicable numbers*; for all the aliquot parts 1, 2, 4, 5, 10, 11, 20, 22, 44, 55, 110, 220, are equal to all the aliquot parts 1, 2, 4, 71, 142, of the number 284. Van Schooten has shewn a method of finding these numbers by common algebra, which the reader may see in *sect. II. Miscellan.* at the end of his *Exercitationes Geometricæ*. It is easy to apprehend from the nature of these numbers, that there are but very few of them, at least, that are manageable by us; for 284, and 220, are the two least, and, the two next greater are 18,416, and 17296.

AMIANUS, or AMIANTHUS, in *natural history*, is a kind of fossil stone, or mineral substance, of a whitish colour, and woolly texture, consisting of small filaments,

and endued with the wonderful property of resisting fire, and remaining unconsumed in the intensest heat.

This lanuginous mineral is not only found in several parts of Italy, and the neighbouring isles; but also in India, Tartary, Siberia, Egypt, Greece, France, the Netherlands, the isle of Anglesey, in Wales, Scotland, and many other parts of the world. It is sometimes called in English *earth-flax*, and *salamander's wool*.

Naturalists commonly reckon it among stones, but it seems rather a terra lapidosa, or middle substance between a stone and an earth. But, whether the one or the other, it is composed of a mixture of some kind of salt, and a pure earth without sulphur, coagulated in the winter, and brought to perfection by the heats in summer; which salt Johannes Hefus proves to be *alumen liquidum*, describing it, as Matthiolus also does, to be of a whitish lacteous substance, somewhat inclining to yellow, that sweats out of the earth, and smells like rotten cheese; whereof having gathered a quantity at Puteoli, together with the other species of allum, and, after keeping it a while by him, he found, that it had lost its smell, and a great part of it changed into *alumen plumbeum*, the saline part, probably, shooting into threads, and the pure earth uniting with them, as found in the places wherever generated.

The industry of mankind has discovered a method of working this fibrous mineral, and employing it in divers manufactures, chiefly cloth and paper; though one could scarcely imagine the thing practicable, without being mixed with some other plant matter, as wool, hemp, or flax, the filaments of the *amiantus* appearing too brittle for such uses. The cloth made with this incombustible matter was in great esteem among the ancients, and better known, and more common than at present. Pliny says, he himself had seen napkins of it, which, being taken foul from the table, and thrown into the fire, were by that means rendered as clean as if washed in water. But the principal use of it, according to the same author, was to make shrouds to wrap up the corpse of kings, &c. in order to preserve their ashes distinct from those of the fuel, which composed the funeral pile; and it is said the Tartars still use it in burning their dead.

With regard to the methods of managing the *amiantus*, and of spinning and weaving it, &c. the accounts are various. Sig. Castagnata, superintendent of some mines in Italy, found in one of them a great quantity of this lanuginous mineral, and discovered a way of preparing it in such a manner, as to resemble a fine lamb-skin dressed white; and he could thicken or thin it to what degree he pleased, so as to become either like a very white skin, or very white paper; both which would resist the most violent fire, as he often experienced.

Sig. Ciampini gives us the method of spinning the *amiantus*, and making it into cloth, which is as follows: he first laid the stone to soak for some time in warm water, and then opened and divided it with his hands, in order to separate the earthy parts, which are whitish like chalk, and serve to bind the fibrous parts together. This operation he repeated six or seven times with fresh water, still opening and squeezing the mineral, till all the heterogeneous particles were washed out, and then the flax-like parts were laid in a sieve to dry. One method of spinning the *amiantus*, thus cleansed, is to card it gently, and place it between the cards, in such a manner, that some of it may hang out at the sides. Then, having fastened the cards on a table or bench, take a small reel made with a little hook at the end, and a part by which it may be easily turned round. This reel is to be wound over with white thread, and a small vessel full of oil must be in readiness, with which the fore-finger and thumb are constantly to be kept moist, both to preserve the skin, and to render the filaments of the stone more soft and pliant; and so, by twisting about the thread upon the reel with the *amiantus* hanging out of the cards, some of the latter will be worked up with it; and this thread may, with care, be woven into a sort of coarse cloth, which being put into the fire, the thread and oil will be consumed, and the incombustible cloth remain. But, this method being very tedious, instead of the thread, it is better to put some flax on a distaff, and by taking three

three or four filaments of the stone, and mixing them with the flax, they may be easily twisted together, and the thread thus made will be more strong and durable; so that carding is unnecessary, and rather breaks the filaments than does any service. In washing the stone, the same gentleman observes, there will remain several short pieces at the bottom of the water, of which paper may be made by the common method. He adds, that the best way to preserve the cloth, or any thing made with this mineral, which, by reason of its dryness, is very apt to break and waste, is to keep it well oiled; when the cloth is put into fire, the oil burns off, and the cloth comes out white and purified.

It is a common opinion, that *amiantus* loses nothing of its weight in the fire; and this seems to be confirmed by what Sig. Ciampini tells us, that he kept it for three weeks in a glass-house fire, and found it unaltered. However, in two trials made before the Royal Society, a piece of cloth made of this stone, a foot long, and half a foot broad, lost each time above a dram of its weight. It is remarkable, that when taken red-hot from the fire, and laid on a piece of white paper, it did not burn it. M. Vilette says, that his burning-glass vitrifies the *amiantus*.

The proprietor of a forge in some part of France, upon taking down his furnaces to repair them, found a great quantity of this substance at the bottom, which, like the *native amiantus*, was capable of being manufactured either into incombustible linen or paper. Upon a farther enquiry, he discovered that both this and the *native asbestos*, is nothing more than calcined iron, deprived of the *phlogistic*, and that uniting the *phlogistic* with this, or the *fossil amiantus*, he can restore it any time to its primitive state of iron.

Does not this, says Mr. Needham, with the discovery of lava, pumice-stones, iron in a perfect state, and many other traces of fire observed in most of the mountains, particularly in all the great chains, and remarkably in all those under the equator, which are the highest on the globe, seem to indicate, that the dry land, with all its eminencies, was originally raised out of the waters by the force of subterraneous fire?

AMMI, in botany, the name of a plant, of which there are two sorts, the ancient and the modern. The ancient is thus distinguished:

Anmi verum offic. Ammi Creticum, Ger. 881. Park. Theat. 912. *Anmi alterum semine apii*, C. B. Pin. 159. Raii Hist. l. 455. True bishop's weed.

It is brought from Alexandria in Egypt. The seeds are small, striated, less than those of parsley, of a yellow inclining to red, of an acrid, aromatic taste, and a fragrant smell. It is seldom or ever found in our shops. It is incisive, aperient, and a drier; is effectual in pains of the colon and uterus, inflation of the stomach, and obstruction of the urine and menses. Dale.

Lemery says, that the seeds afford a great deal of essential oil, and volatile salt.

The modern is thus distinguished:

The lower leaves are winged, spear-shaped, and fawed on the edges, and the upper leaves divided into many narrow segments. This plant is annual; and, if the seeds are sown in autumn, the plants will flower by the beginning of July, and the seeds will ripen the beginning of September, or sooner, in a warm season. Formerly the seeds of the *ammi verum* and *ammi creticum* were brought from the Levant; but of late years there have been none of these seeds imported; but the seeds of the common fort have been used to supply their place. Miller.

AMMONIACUM *gummi*, the gum called *ammoniacum*, is a concrete juice, between a resin and a gum, brought from the East-Indies, usually in large masses, composed of little lumps or tears, of a milky colour, but soon changing, upon being exposed to the air, of a yellowish hue. The better sorts of this juice very much resemble, in appearance, the finer kinds of *benzoin*. It has a nauseous sweet taste, followed with a bitter one; and a peculiar smell, somewhat like that of *galbanum*, but more grateful, or according to Pomet, Hist. des drogues (nouvelle edit. par Pomet le fils) tom. II. p. 30. like

that of *opopanax*. It softens in the mouth, and grows of a whiter colour upon being chewed. Thrown upon live coals, it burns away in flame. It is in some measure soluble in water and in vinegar, with which it assumes the appearance of milk. For internal use, such tears as are large, dry, free from little stones, seeds, or other impurities, are to be chosen. The coarser kind of *ammoniacum* is purified by solution and colature, and then carefully inspissating it; but unless this be artfully managed, the gum will lose a considerable deal of its essential oil. The strained gum of the shops is a grievous abuse, being a composition of ingredients much inferior in virtue and price. The genuine *gum ammoniac* is, according to Geoffroy, Mater. Med. tom. II. p. 603, the juice of an umbelliferous plant growing in Africa, which flows from wounds made in it for that purpose: his conjectures are founded on the leaves and seeds, usually found among the tears.

This gum is opening, attenuating, and cleansing, good to clear the lungs of a viscid phlegm, and therefore of great service in asthma and shortness of breath; as also in nervous, hysterical, and hypochondriac disorders; outwardly applied, it is suppurating, ripening, and dissolving, and good for hard swellings and scrophulous tumours.

AMMONIACUM, or *Sal AMMONIAC*, a saline concrete, of which there are two kinds, natural and artificial.

The natural *sal ammoniac*, used by the ancients, was found in the sands of Lybia, near the temple of *Jupiter Ammon*, from whence it derives its name. It was supposed to be generated in these sands from the urine of camels. Nor will this appear strange, if we suppose that these sands are naturally impregnated with common salt; for then the urine of these animals, by the intense heat of the sun, must cause a fermentation, which will unite the acid of the common salt with the urinous salt, and consequently produce *sal ammoniac*.

M. Lemery had a salt taken from mount *Vesuvius*, which they call natural *sal ammoniac*. It was of a compact substance, pretty ponderous, very white, and the inside crystalline; it would not attract much humidity from the air, had no smell, was of an acid saline taste, and very much like that of *sal ammoniac*. He made several experiments with it; among the rest he mixed it with three times as much spirit of nitre, and made an *aqua regia* of it, exactly like what is made of the common *sal ammoniac*. He found it to have several effects of *sal ammoniac*, and also of sea salt. He supposes that this salt of *Vesuvius* is no other than a fossil salt, which is dissolved by the sea, and sublimed to the top of the mountain by subterraneous fires. Hist. de l'Acad. Roy. des Scien. 1705.

The artificial, or common *sal ammoniac*, is chiefly brought from Egypt; and, though there is hardly a more common drug, it is but very lately we have known in what manner it is made.

Method of making *sal ammoniac* in Egypt, as communicated to doctor Linnæus, by his pupil, doctor Hasselquist, who had been lately in these parts.

Sal ammoniac is made from the foot arising from the burnt dung of four footed animals, that feed only on vegetables.

This dung is collected in the four first months of the year, when all their cattle, such as oxen, cows, buffaloes, camels, sheep, goats, horses and asses, feed on fresh spring grass, which, in Egypt, is a kind of trefoil, or clover: for when they are obliged to feed their cattle on hay, and their camels on bruised date kernels, their excrements are not fit for this purpose; but when they feed on grass, the poor people of Egypt are very careful to collect the dung quite fresh, and, for that purpose, follow the cattle all day long, in order to collect it as it falls from them; and, if it is too moist, they mix it with chaff, stubble, short straw, or dust, and make it up in the form of cakes, about the same size and shape as it lies on the ground.

Then they fix it to a wall to dry, till it is fit to be burnt.

For want of wood, which none but the rich in Egypt can afford to buy, they burn this dung through the whole country, and sell a vast quantity of it to the salt-makers.

The excrements of the camel are not found at all preferable to any other; and its urine is never used for this purpose, although generally reported so by authors.

The salt-workers pretend, that human excrements, and those of goats and sheep, are preferable to any other.

The months of March and April is the only time they make the salt.

Sal ammoniac is made in the following manner:

They build an oblong oven, about as long again as broad, of brick and moist dung, of such a size, that the outside, or flat part of the top of the arch, may hold fifty glass vessels, ten in length, and five in breadth, each vessel having a cavity left for it in the brick-work of the arch.

These glass-vessels are globular, with a neck an inch long, and two inches wide.

These vessels are of different sizes, in different salt-works, containing from a gallon to two gallons; but in general are about eighteen inches in diameter.

They coat each vessel over with a fine clay (which they find in the Nile) and afterwards with straw; they then fill them two thirds full of foot, and put them into their holes on the top of the oven.

They make the fire gentle at first, and use the aforementioned dry dung for the fuel; they increase the heat gradually, till they bring it to the highest degree, which the workmen call *bell-fire*, and continue it so for three days and three nights together.

When the heat is come to its due degree, the smoke shews itself with a sourish smell, that is not unpleasant; and, in a little time, the salt sticks to the glasses, and covers the whole opening. The salt continues subliming till the above-mentioned time is expired: then they break the glasses, and take out the salt, just in the same form, and of the same substance, that it is sent all over Europe.

At each salt-work they have a glass furnace, to melt the old glasses, and make new ones.

Sal ammoniac is principally used by whiteners of copper-vessels, goldsmiths, and is a noted drug with chemists and physicians. Father Sicara, a missionary and an eye-witness, says, they add a little sea-salt, and urine of beasts. *Mem. de l'Acad. Roy. des Scien.* 1720.

Sal ammoniac is sometimes made by the chemists of urine, sea-salt, and wood-foot, boiled into a mass, and then sublimed.

Properties of *Sal AMMONIAC*. It is soluble in somewhat less than double its weight of water; and, if the solution be duly evaporated, it shoots into thin fibrous substances, resembling feathers. *Sal ammoniac* neither coagulates milk, nor changes the colour of a solution of sublimate. It makes a considerable effervescence with the vitriolic acid, attended with a great degree of cold. Exposed to a considerable heat, it totally sublimes, and if previously well ground with metallic, and certain other ponderous substances, elevates some part of them along with itself, and concretes with the rest into a mass, which, exposed to a moist air, readily flows into a liquor. Mixed with a due quantity of alkaline salts, it yields, by a small degree of fire, two thirds of its weight of pure volatile alkali; what remains in the subliming vessel, being dissolved in water, and crystallized, readily assumes the form of cubical crystals, like those of common salt, the properties of which it likewise possesses. *Sal ammoniac*, mixed with nitre, and injected into a red-hot crucible, boils up, and emits flashes of light; and thus betrays its animal original. Sublimed in a retort, with double its weight of chalk, it is said to be increased in its weight; (*See Mem. de l'Acad. des Scien.* 1735.) but the substance thus elevated is not to be regarded as a pure volatile salt; because, probably, one third of the quantity is owing to the chalk. A mixture of quicklime and *sal ammoniac*, set to sublime, affords an exceeding penetrating spirit, but loses nothing of its form of a solid salt; if the quantity of lime be considerable, the volatile alkaline part of the *sal ammoniac* will be almost totally absorbed by it. Lastly, of all salts, *sal ammoniac* most intensely cools the water in which it is dissolved, whose coldness, in hot water, equals that of water ready to freeze.

From what has been said, it appears, that *sal ammoniac* is a neutral salt, compounded of a volatile salt, and an acid. But it must be observed, that *sal ammoniac* is a very different substance from most of the preparations made from it; for, when alkaline salts are mixed with the crude *sal ammoniac*, they absorb the acid, which render the *sal ammoniac* neutral; and then the volatile urinous salts, being freed from the acid, rise in distillation.

Boerhaave says, that *sal ammoniac* preserves all animal substances from putrefaction; that its brine penetrates into the most minute parts; and that it is the noblest aperient, attenuant, resolvent, stimulant, errhine, sternutatory, diaphoretic, sudorific, antiseptic, and diuretic.

There are several preparations of this salt, made use of in the present practice of physic: as

Sal AMMONIAC volatile, volatile sal ammoniac. This is made by subliming *sal ammoniac*, mixed with salt of tartar. It is used for pocket smelling bottles; but Boerhaave, with the greatest appearance of reason, condemns the custom of smelling to these salts, as highly pernicious. Some put aromatics into the retort, which give it a more agreeable smell. It is prescribed in malignant fevers as a sudorific.

Spiritus salis AMMONIACI, spirit of sal ammoniac. This is a spirit distilled from *sal ammoniac*, mixed with salt of tartar, and dissolved in a proper quantity of water. Some use lime instead of salt of tartar, in order to encrease its volatility; but this should never be used internally.

The *aqua regia*, with which so many experiments are made, particularly in dissolving gold, is made from *sal ammoniac* and nitre. But the most celebrated medicine, now in the shops from this foundation, is the

Spiritus salis volatilis oleosus, the oily spirit of volatile salt. This is a spirit distilled from *sal ammoniac*, salt of tartar, and spirit of wine, impregnated with aromatic oils.

AMMUNITION, a general term for powder, ball, and other implements of war.

Ammunition, arms, utensils of war, or gun-powder, imported by way of merchandize, without licence from his majesty, are forfeited, and treble the value. 1 Jac. II. cap. 8. sect. 2.

Such licence obtained, except for the furnishing of his majesty's public stores, is void, and the offender incurs a premunire, and is disabled to hold any office from the crown. 1 Jac. II. cap. 8. sect. 3.

Arms, gun-powder, or salt-petre, may be prohibited to be exported by his majesty, when he shall see cause, by proclamation or order in council. 12 Car. II. cap. 4. sect. 13. and 29 Geo. II. cap. 16. sect. 1.

If shipped (after such prohibition) on board any vessel in Great Britain to be exported contrary to such proclamation or order, are forfeited, and may be seized by warrant from any magistrate, or by any custom-house, impost, or excise-officer. And every owner forfeits 100 l. for every hundred weight of salt-petre and gunpowder, and 100 l. for every twenty-five arms, and 100 l. for every two hundred weight of any species of ammunition; and so in proportion for a greater or lesser quantity. And every person aiding or assisting in shipping them, forfeits 100 l. and treble the value of the goods. Also any master of a ship who takes them, or suffers them to be taken on board, forfeits 100 l. 29 Geo. II. cap. 16. sect. 2, 3, 4.

This act, and every clause, matter, and thing therein contained, shall extend to empower his majesty in like manner to prohibit the shipping the same, in order to be carried coastwise. 20 Geo. II. cap. 16. sect. 5.

The penalties in this act are to be divided, two-thirds to his majesty, and one-third to the person who shall seize, or sue for the same by bill, plaint, or information, in any of his majesty's courts of Exchequer in Great Britain. 29 Geo. II. cap. 16. sect. 6.

AMMUNITION Bread, that which is served to the soldiers of a garrison or army.

AMNESTY, an act or edict, whereby a prince promises his subjects a general pardon for all that is past.

AMOMUM, among the ancient botanists, a small shrub, that grows twisting its woody stem into the form of a bunch of grapes. It bears a small flower like that of *leucosium*, and leaves like those of *briary*. The Armenian is esteemed the best, which is of a colour inclining to gold, of a yellowish substance, and remarkable

ably fragrant. The Median is weaker, as growing in flat and watery places. This is a large sort, of a greenish colour, soft to the touch, of a fibrous substance, and finell like *origanum*. What comes from Pontus is of a yellow colour, short, and not difficult to break, clustered like a bunch of grapes, full of fruit, and very odoriferous.

Though Dioscorides has given us the above particular account of the *amomum*, the moderns have not only been much perplexed in determining what the true ancient *amomum* was, but are not certain, that any such plant is now existing, or, at least, known to us.

The most probable account, however, of the true *amomum* is the following, given by P. G. Gamelli, in the *Philosophical Transactions*.

After I had seen the clustered bunch of flowers of the *tugus*, which some call *biras*, others *caropi*, and tasted the kernels of the grape, or the oblong seed, and compared them with the descriptions which the botanists give us of *amomum*, I became of opinion, that the *tugus* was the genuine *amomum* of Dioscorides.

This *tugus* is a plant, sometimes above a cubit high, with leaves like the plant *tagbac*, or *bagongbouque*, except that its under-part is covered with a delicate down, and that it is more fibrous, longer, and fragrant. At the root of the plant, or body of the stalk, from the very middle or heart of a foliaceous stem, sprouts out a parcel of floriferous and germiniferous leaves, an hand's breadth and half in length, in the figure of a cluster of grapes, having some resemblance to the pointal or bunch of flowers of the *amomum*, adorned with very red small flowers, which are succeeded by grapes, that run out in length with a neck, as though they were the relics of the tube of the flower, and are inclosed in a thin, sweet rind, whence they are mostly, together with the seed and kernels, devoured by the mice and birds, so that it can be had only in very small quantities.

These grapes commonly contain five or six reddish, oblong, unequal, aromatic, fragrant kernels, or stones less than the cubebs of the shops. It grows in Borongam, Paranas, Loyte, and other Philippine islands.

There are three different plants, to which the moderns have given the name of *amomum*. The first is the *AMOMUM Offic. Comm. Flor. Mal. 14. Plant. Ufu. 88. Raii Hist. 2. 1697. True amomum*.

The fruit of this plant, which is the part used in physic, is divided into three cells, and is of a very pungent taste: it is brought from the Philippine islands, and is reckoned carminative, alexipharmic, stomachic, &c. Geoffroy. The second is

AMOMUM, Offic. Sison. Mor. Urb. 14. Boerb. Ind. A. 57. Raii Synop. 3. 211. Bastard stone-parsley.

It grows in ditches, and moist places, flowering in the summer, and the seed, which is used as a succedaneum to the true *amomum*, is ripe in August. The third is.

AMOMUM, zinziber, or ginger called also *zerumbet*, or *zerumbeth*. The characters of this genus are,

The flowers are produced in a compact scaly head, each having a spathe, or leafy cover: the flower is of one leaf, having a short tube, and is divided into three parts at the top, the middle segment being longer than the other. In the center is one stamen, shaped like a leaf, which arises by the stile, and is of the same length, resting upon the germen; which afterwards becomes an oval fruit, divided into three cells, which contain many seeds.

Dr. Tournefort hath not mentioned any of the species of *ginger* in his institutions of botany; nor have we any good description of the *zerumbeth galingale* and *zedoary*, by which they may be distinguished. The only author who has well described this plant is Doctor Herman, who says it is the *zerumbet* of the shops; but does not distinguish it sufficiently from the *galingale*, or *zedoary*. The writers on the *materia medica* have only described the dried roots, as they have been imported, being ignorant of the plants whose roots they were; and it is but of late years that we have had the plants in the English gardens, therefore could not determine what they were.

The roots which I have seen, says Mr. Miller, sold

in the shops, for the lesser *galingale*, were those of the plant which Doctor Linnæus has titled *kempferia*; and it is figured by Doctor Kempfer, who calls it *Wanhom*. It is also figured and described in the *Hortus Malabaricus*; under the title of *katsjula kelengu*.

The general name of this and the common *ginger*, was *zinziber*, by which most authors who have mentioned these plants have called them: but Doctor Linnæus has altered their title to *amomum*; and has added to them the *cardamum* and *grains of paradise*; making them species of that genus.

Doctor Herman, in the *Hortus Lugduno-Batavus*, calls this plant *zinziber sylvestre latifolium*; and in Gareius it is titled *zerumbeth*. It is a native of India, from whence the roots are brought for use.

The root of this plant is the only part which is used in medicine; it is heating, drying, and is esteemed good to expel wind, comforting the bowels; and is frequently ordered for cholics, and other disorders of the bowels, as also to prevent vomitings.

The *zerumbeth*, *zedoaria*, and lesser *galingale*, are now pretty common in many curious gardens in Europe, where there are hot-houses with beds of tanners-bark; for, unless the pots in which their roots are planted be constantly kept in the tan-bed, the roots are apt to shrink; and when that happens, they frequently rot: for, by giving the plant much wet, they are soon destroyed, especially after they have been kept dry any time; which is also the case of the common *ginger*.

The roots of the lesser *galingale* were obtained from India in the year 1724, by Charles Duboise, Esq; of Mitcham in Surry, who communicated them to several curious persons in England; and they have been sent to many curious persons in Holland, France, and Germany. The *zerumbeth* and *zedoary* were brought to England about the year 1738, from Holland: and these multiply so fast, where they are properly managed, that many of their roots are annually thrown away.

The common *ginger*, which grows naturally in the West-Indies, has been long in the English gardens; but neither of these sorts made any progress here, until the use of tanners-bark in hot-houses was introduced; since which they all thrive as well as if they were in their natural countries; and large quantities of the root of ginger have been taken up for preserving in England.

There is another sort of *amomum* in the shops, known by the name of *amomum Plinii*. This is the tree nightshade. See SOLANUM.

Dr. Lewis, in his notes on the *Pharmacopœia* of the Royal College of Physicians at Edinburgh, says that the seeds of the true *amomum* are brought to us from the East-Indies in roundish pods, divided into three parts. The seed is rough, angular, aromatic, of a dark colour without side, and white within, solid, but easily pulverable, in which respect it manifestly differs from cardamom seeds, with which it is confounded in the shops. It yields, upon distillation, a considerable quantity of an aromatic oil.

AMORPHA, bastard indigo. This plant has been placed with the *barba jovis*, to which genus it is nearly allied; but the flowers wanting the keel and wings, and the pod being compressed, are sufficient to distinguish it from the other plants of that genus; which occasioned Doctor Linnæus to separate it, and to constitute a new genus of it, by the title of *amorpha*.

The seeds of this plant were sent from Carolina by Mr. Catesby, in the year 1724, which were sown in many gardens; and numbers of these plants were raised from them, some of which produced their flowers in a few years after; and now they are pretty common in most of the nursery gardens about London, being propagated and sold as a flowering shrub, with many other sorts.

It will grow to the height of eight or ten feet; but generally produces many branches near the root, which are placed irregularly; so that it will not make a good appearance, when it is placed single; but if planted among other shrubs, so as that the stems are hid from sight, the tops of the branches, when in flower, make a pretty variety; but as it is late in the spring before the shoots come out, these shrubs have the appearance of
being

being dead till the end of April, or the beginning of May; but when they begin to put out new shoots, they soon grow to a considerable length, and are furnished with long winged leaves, shaped like those of the common acacia, but of a darker green. The flowers are produced in spikes, at the extremity of the shoots, being generally three or four together: these spikes are six or eight inches long, and fully garnished with flowers, which are commonly in beauty about the latter end of June; but the seeds seldom ripen in England.

In North-America they have made a coarse sort of indigo from the leaves of this shrub, which occasioned their calling it *bastard indigo*; but since the true indigo plant has been there cultivated, the inhabitants have made no use of this.

AMOUNT, a term in arithmetic and book-keeping. It is said of the total, which several sums added together produce. Ex. See what is the amount of all those articles, or what those articles amount to. The first side of the expences amounts to 500l. the fitting out the London privateer will amount to 5000l.

AMPHIBIOUS, a term applied to such animals as live sometimes on the land, and sometimes in the water. Of this kind are the beaver, frog, otter, &c.

AMPHISCII, in geography, the inhabitants of the torrid zone; so called, because their shadow at noon falls at one time of the year towards the north, and at the other towards the south.

AMPHORA, the largest measure used at Venice for liquids. It contains four bigorzas, the bigorza being four quarts, the quart four sachie, and each sachie four leras; but by wholesale the amphora is fourteen quarts, and the bigorza three quarts and an half. Reduced to English measure, it may be said to contain four of our gallons.

AMPLIATION, signifies, in French, the duplicate which is taken or given of a receipt, acquittance, account, or the like. Thus they say, to sign a copy by *ampliation*, that is, to sign a duplicate thereof. In this sense they also call *ampliation* a copy printed upon paper, of a contract of sale of annuities on the city of Paris, engrossed upon parchment. Notaries, when they deliver the engrossed contract to the annuitant, ought also to deliver to him on *ampliation* upon paper, which he is obliged to produce to the paymaster, with his receipt annexed to it, the first time he has a mind to receive his annuity or rent.

AMPLITUDE of the sun or stars, in astronomy and navigation, is an arch of the horizon intercepted between the true east and west point of it, and the center of the sun or stars at their rising or setting.

Amplitude is of two kinds, eastern or ortive, or western or occative. Eastern, or rising *amplitude*, is the distance between the point wherein the star rises, and the true point of east, wherein the equator and horizon intersect.

Western, or setting *amplitude*, is the distance between the point wherein the star sets, and the true point of west in the equinoctial. The eastern and western *amplitude* are also called northern and southern, as they fall in the northern or southern quarters of the horizon.

To find the sun's *amplitude*, either rising or setting, by the globe, bring the sun's place to the horizon either on the east or west side, and the degrees from the east point, either north or south, are the *amplitude* required.

To find the sun's *amplitude* trigonometrically, having the latitude and sun's declination given, say, As the cosine of the latitude is to the radius, so is the sine of the present declination to the sine of the *amplitude*. Suppose, *e. gr.* the latitude to be 51 deg. 30 min. and the declination of the same 21 deg. 50 min.

Then, to the ar. co. of the co-sine of 50° 30' 0,2058503
Add the sine of 9,3118926

Sum of the sine is 9,5177429
Which is the *amplitude* required.

Magaetical *amplitude*, is an arch of the horizon contained between the sun at his rising or setting, and the east or west point of the compass; or, it is the difference of the rising or setting of the sun from the east or west

point of the compass. It is found, by observing the sun at his rising or setting, by an *amplitude* compass.

AMSTERDAM. Of all the great cities travellers are wont to visit, this seems to afford the least entertainment, to those whose heads and hearts are not entirely turned to pecuniary acquisitions: here every moment seems to be filled up in the pursuit of trade, with all its various and extended connections. The people have no time to complain of a bad climate, bad weather, or the want of health: they have hardly leisure to perform the common duties of hospitality and benevolence.

This wonderful city of *Amsterdam*, as well as many other towns of the Netherlands, is certainly a work of art and labour, not inferior to the greatest monuments of human industry in past ages. It is about 220 English miles from London: its proper name, as derived from the river *Amstel*, is *Amsteldam*, i. e. the dam of the *Amstel*, which is the name generally given to it in authentic records. From its earliest beginning they reckon about 400 years; and 270 from its being inclosed with walls. It was not till the year 1570, that the Dutch began to lay the foundation of their prodigious riches and naval strength. About twenty years before this time they were provoked, by the oppressive measures of Romish bigotry, to shake off the Spanish yoke, and adopt the doctrine of Calvin. The Spaniards exerted themselves, upon this occasion, upon religious, as well as political principles; but it was not in their power to render that confederacy abortive, which at length united the seven provinces, and, forming a powerful republic, gave a just occasion to this motto; "*Concordiâ res parvæ crescunt.*"

About the year 1600, the love of liberty and gain occasioned such a conflux of people, that the walls of the city were extended; since that time they have had further enlargements, the whole now making about three leagues in circumference. Her greatest strength is in the difficulty of access, both by sea and land; yet have not the numerous shoals, which render the entrance of the Texel so difficult, obstructed the progress of her commerce. One striking proof of economy is very obvious, even in the fortifications of this city; for the bastions, which are very numerous, have each a wind-mill on them.

The streets are, for the most part, extremely clean; but except those which have canals, much too narrow for beauty or convenience. They are rendered the less disagreeable, as the hired coaches are set on sledges, drawn by one horse, which do not greatly incommode passengers. Merchandise is also drawn on sledges. These are not only the most convenient vehicles for the inhabitants, and their trade, but also calculated to preserve their houses, which being built on piles, might, in length of time, be much damaged in their foundations by means of a great number of wheel-carriages. The coaches of gentlemen are, however, for the most part, set on wheels; but they pay a considerable tax for this liberty. The principal streets, or rather quays of the canals, are agreeable, particularly the *Kyazergraft* and *Heeregraft*, which are planted on each side with trees; but the canals sometimes throw up a very offensive stench. The people are not at a loss how to account for this inconvenience: sometimes it is owing to nature; but it is apparent, that the discipline of the state is relaxed by the canals not being kept so clean as the regulations require: these canals, in some parts, are of a considerable breadth.

The houses in *Amsterdam* are rather neat than elegant, or commodious: the nature of the climate renders it necessary to wash then often; but the greatest part of the people carry their cleanliness this way so far, as hardly to afford themselves time for the necessary care of their persons. The same humour prevails amongst them, as with some of middling fortunes in England; they shut themselves out of their own houses, by keeping the most useful and agreeable apartment for the entertainment of their friends on particular occasions, that is, for vanity.

The entrance of their houses is generally by stairs four or five feet from the ground, and the passage into the rooms, which run very deep, is floored and paneled with marble, which has an air of grandeur in miniature. They



A New & Accurate
Map of the
SEVEN UNITED
PROVINCES
from the St. Lawrence
to the ATLANTIC
with improvements
by J. Roberts.

They have much neat, and some rich furniture; but it does not seem to be the effect of a luxurious and expensive taste, so much as the observance of an ancient custom of neatness and elegance. At the worst, it may plead its being less dangerous to a state, than the constant expense of a table, equipage, or amusement; and these are not countenanced in *Amsterdam* in any remarkable degree.

This city is generally esteemed one third as populous as London and Paris. They reckon within the walls, twenty-six thousand five hundred houses, and about two hundred and forty thousand inhabitants: the suburbs, though small, must add to this number.

The grand rendezvous of the merchants of this metropolis, as in other great trading cities, is the exchange, which was finished in 1613. The interior part is two hundred and fifty feet long, and one hundred and forty broad; but much inferior in architecture and embellishment to that of London. It is supported by forty-six pillars, which are marked with numbers; and the merchants take their stands near particular pillars, to be found the more easy. The city of *Amsterdam* is guarded by a militia, as the safest and most proper defence of their wealth and liberty; these are all burghers, and consequently no objects of jealousy, nor do they cause any considerable expense.

Nothing adds more to the beauty of this city, as well as of the country in general, than the plantations of trees for the public use and pleasure; an inclination which seems to prevail very much, and is highly worthy of imitation. In England things of this sort are often done; but more for private gratification, than the general delight of the people; so that the lower classes are the more apt to crowd to gardens, where they pay their money, waste their time, and sometimes debauch themselves with excesses. We may observe, however, to the honour of Great-Britain, that within these thirty years, great improvements have been made in many parts of the kingdom: works of this nature for the public recreation, are certainly worthy of the best citizens, the most zealous patriots, and greatest princes.

The province of Holland is said to pay half the tax of the whole seven, and *Amsterdam* half of the province of Holland; from whence one must conclude, that there are immense riches in *Amsterdam*, or no great wealth in the seven provinces. The revenues of *Amsterdam* are reported to be a million sterling; and consequently the whole must be four millions; which greatly exceeds the reality, or it is meant only in time of war. Sir William Temple estimates their ordinary revenues in his time at twenty-one millions of guilders; but he says the revenues of the province of Holland, including *Amsterdam*, were reported to be one million six hundred thousand pounds: most calculators have made it three millions; but as things are circumstanced at present, we must not compute it above two millions of English money.

In 1665 they raised forty millions of guilders, and of these, the province of Holland only, paid twenty-two millions; which is nearly correspondent with the account they now give of the proportion this province bears to all the others, as already mentioned.

It may be worth the enquiry of the curious, how vastly the taxes in the United Provinces exceed those of Great-Britain, in proportion to the number of inhabitants. They generally calculate two millions of people in the United Provinces; and two millions at the lowest computation are annually paid in taxes: now as we compute eight millions of people, if we were to pay in proportion, our taxes should be eight millions. The United Provinces are reckoned to contain only 7500 square miles; whereas, England has 49,450 square miles; consequently these provinces are six times as populous as England. How industry flourishes among them is apparent, even if they pay but two millions; since considering the goodness, and extent of our country, and the barrenness of theirs, we may suppose ourselves capable of paying six times as much in taxes as they; whereas we pay but three times, as above-mentioned. The truth is, they acquire riches by sea in a double capacity, that is, by commerce and fishery; and we may

conclude, from this general view, of what great consequence their fishing is to them.

The trade of this city was raised chiefly on the ruins of *Antwerp*, once the mistress of the commercial world, till the fiery zeal of priests, and the insolence of military authority, trampled equally upon the laws of justice and humanity; and, lastly, upon commerce, the support of nations. Towards the close of the sixteenth century, the Portuguese also, from being the greatest traders to the East, began to decline in their commerce, which gave the more room to this new colony of merchants, who had many of the requisites to carry trade to its highest pitch, though their country does not produce one single material for building ships.

Amsterdam is a prodigious magazine of timber, corn, wine, and many other commodities of foreign European production. The inhabitants excel in dyeing, sugar-baking, bleaching of linen and wax, manufacturing of paper and sail-cloth, with no inconsiderable quantity of silk and wool. Their whale-fishery generally produces great riches, and their East-India trade is of the highest importance to them, both in Europe and Asia: the article of spices only is a mine of gold, which they have preserved with more care and assiduity, than if it had been really such. Here are also great repositories of gold and silver, precious stones and choice drugs, from different parts of the world.

Of all the public buildings in *Amsterdam*, either for use or ornament, the town-house is the most distinguished; the foundations of it were laid in 1648, and in seven years the building was so far advanced, that the magistrates took their seats in it. The Latin inscription on a black marble pedestal, the representation of which constitutes part of the subject of a relieve, is to this purpose:

“The United Provinces of the Low Countries, after having bravely supported a bloody war by sea and land in every region of the earth, against the three Philips, most powerful kings of Spain, for more than 80 years; and by that means secured their liberty, and the exercise of their religion, the most honourable burgomasters,

Gerbrant Pancras,
Jaques De Graaf,
Sybrant Valkenier, and
Pieter Schaaap,

made the peace in their magistracy in 1648, their sons and relations laying the first stone of this town-house, the 4th of November of the same year.”

The dimensions of this building are 282 feet in front, 232 deep, and 116 high, exclusive of the cupola. It cost three millions of guilders, when money was more valuable than it is now: this may be the more easily reconciled, if we consider that no less than 13,000 large piles were driven to make a foundation for this ponderous burden. Whether in this sum they include all the plafonds, and other paintings, of which here are some very valuable, is not essential to our present purpose. Behind the seat of the presiding burgomaster is a complimentary inscription in Dutch verse, wrote by C. Huygens, one of their most eminent poets, which seems to argue the sense they had of the secure establishment of the state at that time.

We may consider this edifice as a very grand and useful building, but not elegant nor agreeable. It contains most of the offices and tribunals, for the execution of the laws, in the several branches of the military as well as civil government.

It is constantly remarked by foreigners, that the entrance of this building is very mean, and not worthy the other parts of the structure; the reason assigned for this is, that in consulting the strength and usefulness of this work, the architect purposely neglected the beauty of it. Had the doors been proportioned, they would have been more subject to be forced, upon occasion of those tumultuous assemblies of the people, which are not unfrequent in this country. The *Stadthuse* is guarded, during the night, by a body of the burghers, who are thus charged

with the care of the great reservoir of the wealth of the United Provinces. In the lower apartments of this building is the bank, in which are supposed to be deposited immense treasures: the keys of them are deposited in the hands of the four regent burgomasters. Some report that these treasures amount to three hundred tons of gold; and those who have faith enough to think it true, have this to say, that the value of so much gold is not above thirty-two millions sterling; and the debt of the United Provinces is yet larger. The real sum here deposited is perhaps not known to any one person living; and even the computation in the gross, except such as already mentioned, is kept as an impenetrable secret; and no doubt there are many good reasons why it ought to be so. See BANK.

The city of *Amsterdam* has infinitely the superior part over all other places in these countries: here all the fleets of ships arrive, as the herring-fleet, the Greenland, the East country, the Turkey, and the East-India fleets, with the fleet of men of war, or the national fleet. Among these, particular ships belong to the chambers of Rotterdam and Zealand, and to the merchants there; but the grand arsenal, both for war and trade, is at *Amsterdam*; the ships, stores, furniture of the men of war, and East-India ships, being all laid up there; and, indeed, *Amsterdam* seems to be a general mart for navigation, more ships for sale being built in it than in any place in the world; and not only ships, but fleets may be bought, if there is an occasion, together with naval stores of all kinds, ammunition, and arms, having a sufficiency for all the nations of Europe.

As the navigation is managed here, so is the merchandise they bring. Here the India-house and warehouses are kept, and goods sold; here are the admiralty offices, and the building-yards and docks, not for their own shipping only, but for all nations that please to employ them; here is the bank, the only one in the country; the exchange, the greatest in Europe, that of London only excepted. In short, there is not a city in the world, so rich, so populous, or that carries on so great a trade in so narrow a compass of ground. It is frequently surrounded with water, that threatens to swallow it up, and yet seldom or ever receives any considerable damage; and the number of ships and vessels of all sorts, which are always lying before it, is so great, that it is thought, should any general inundation of the sea drive them to that dreadful necessity, all the people in the city might at once embark, and be saved from drowning.

It is generally believed, and by many affirmed, that more insurances are made at *Amsterdam* than with us, or indeed in any other part of the world; their extensive commerce by sea, and the extraordinary number of vessels continually sailing from thence, naturally occasions many to follow the practice of insuring; but what has yet augmented this business, and multiplied the policies of insurances almost to infinity, has been that honour and integrity with which their underwriters were formerly characterized, as their policies were then only subscribed by men of large fortunes; but whether great losses, or a subsidizing of that courage, before so conspicuous in that small number of the rich, then constituting the body of underwriters (for Mr. Savary and Mr. Ricard say, they did not exceed fifty or sixty) occasioned their withdrawing from business, we shall not pretend to determine; but it is certain, their number during the late war was greatly increased, and their chicaneries at least equal to those of their neighbours and contemporaries; and had they not admitted business on worse terms than here, that is, at lower premiums, there would not have been that recourse to their city, as the many failures among the insurers plainly demonstrated they had changed their set, and that many of less credit and fortune were admitted to subscribe, than the wealthy few above-mentioned.

The first ordinance in that city, which regulated the policies of insurance, was about the end of the sixteenth century; it was originally digested into thirty-six articles, but many of these have since been reformed, new-modelled, or explained, by twelve subsequent ordinances, of which the principal ones are those of the years 1600,

1601, 1606, 1607, 1614, 1626, and 1688, and it is by this last, that the policies of insurance may be said to remain fixed, though some few alterations have been made since.

But Mons. Jean Pierre Ricard, in his book *Le Negoce d'Amsterdam*, having given an account of the articles made at the several times above-mentioned, with his remarks on them; I shall translate as much of them as I judge may be worth the reader's regard, and in doing it shall follow the author's method.

NUMBER I.

1st Article, "Declares, all contracts of insurance null and void, which are made in this city contrary to law, by any stipulations, conditions, or words they shall contain."

Remark. This article is not always strictly followed, for many insurances are made which are not exactly conformable to the ordinance, and others directly contrary to it, as will be seen in the following remark; but when this happens, a clause should be inserted in the policy, by which the insurers expressly renounce all the law, ordinances, and placarts, which are against such an insurance; and in case of a loss, and that the insurers will not settle it amicably, the assured may cite them before the sheriffs, or the court of Holland, and bring them to reason, and not before the chambers of assurances, because the renunciation made by the insurers includes an exclusion from this court, which can only determine in conformity with the ordinance.

2d Article, "Prohibits the making insurance on goods for more than $\frac{1}{10}$ of their clear cost abroad, when it does not exceed 12000 guilders, but permits the surplus of that sum to be insured, provided the assured runs the risk of the $\frac{1}{10}$ of the 12000 guilders."

Remark. This article is very rarely observed, and there is hardly any policy which does not contain these words, and the assured may cause himself to be insured the whole, without risking the tenth, we taking on us the entire value even with the premium included, and I do not see what occasion the assured has to run a risk of the tenth, as the difference of 1200 guilders on an insurance of 30 or 40000 is but trifling to the underwriters; however, notwithstanding it is so inserted in the policy, that the whole is insured, yet if the insurer disputes payment in case of a loss, and is cited before the commissioners, they will have no regard to this clause; but on finding that the assured has not run the risk of the tenth of the 12000 guilders, they will make him run it, by obliging him to return the premium of what exceeds the tenth, or by adding it to that part of the loss, which the assured ought to bear.

3d Article ordains, "That the policies contain the name of the ship, and of the captain, that of the places where she is to load, and go to, under penalty of the policy's being void, if the fault is in the assured; but if it comes from the broker, he shall be answerable for it."

Remark. It is very necessary to observe this article, in all its contents very nicely; because, that besides that the assured have an opening to deceive the insurers, by wilfully omitting the name of ship or master in the policy, many disputes may happen, and that the underwriters may, by having always insured a very large sum on the same ship, be rendered scrupulous of signing such policies.

However, there are cases, where it is impossible to know upon what vessel there will be an interest, by reason of the distance of the place from whence goods and effects are expected; as for example, from *Curacao*, *Surinam*, *Archangel*, or other remote parts, from whence effects and the advice of their loading, are frequently received together; and as it would be very hard for a merchant who expects effects from those parts, to find that he is unable to get himself insured, only for want of the name of the ship and captain, it may be remedied by inserting in the policy, that the insurance is on goods, to be loaded by such a one, in one of the first ships that shall come from thence.

The Spaniards frequently get insured at *Amsterdam*, on any vessel or vessels, which have loaded goods at La Vera Cruz, or elsewhere, in the Spanish West-Indies, to their address; but there is found such deceit in these contracts, by the concerned sending false declarations, that they had not received any thing upon any ship of the *flota* or *flotilla*, when they had, and returning the premium, as has made the greatest part of the insurers resolve not to underwrite to those gentlemen, but on conditions to make no returns, although the assured should have no interest in the fleet.

4th Article ordains, "That the insurance on goods shall begin from the moment they are brought on the key, to be carried on board the ship destined to transport them, and shall endure till they are arrived at the place of their consignment, and are unloaded in safety, and free from damage."

Remark. There are some who imagine they have no right to be insured till the goods are loaded, and bills of lading signed; and others, who receiving advice from abroad, of freight being taken on a ship and captain named, believe they ought not to insure, till they receive advice of the departure of the ship, or at least till they have got the bill of lading and invoice, in which they greatly err; for besides that, the policy expresses, *on goods laden or to be laden*, the article before-mentioned seems to suppose the insurance made before the embark- ing; but it is not to be imagined, that if the merchandize has suffered in going abroad, and is afterwards insured, that the insurer is obliged to pay the damage, on pretext that it is said in the policy, *that the insurance shall commence from the moment that the goods are upon the key, &c.* This would be very unjust, therefore it ought to be understood only, when the assurance is made before the goods are taken out of the warehouse, or before they are sent abroad; for besides the risk which the assured runs in shipping them, (which is greater in some places than others) he likewise exposes himself to pay a higher premium than if he had insured sooner; because the more insurances there are made on a ship, the higher premiums the insurers demand; and it is further to be remarked on this article, *that although the risk is not finished till the goods are unloaded and safe*, that as at *Amsterdam*, they are frequently left in the lighter for five or six days or more, the insurers are not obliged for any damage that may happen to them, only for the first day.

5th Article says, "That if in a year and a day, after the insurance made, or after the ship's departure, if it is for any part of Europe or Barbary, there is no news of her at the place from whence she sailed, nor at that she was bound to, she shall be esteemed as lost, and the assured may demand payment from the insurers in three months; but for places more distant, the term shall be that of two years."

Remark. It too often happens that ships founder at sea, so that no person escapes to tell the story, and our underwriters do not postpone payment according to the preceding terms, as this would oblige them to a total loss, that is, *cent. per cent.* but in order to lessen it something, when they see the assured has no advice of the ship, and when she stays two or three times longer than she should, so that there is no room to suppose her safe, they themselves endeavour to agree with the assured, and commonly pay ninety-six *per cent.* on such occasions.

6th Article declares, "Those assurances to be null and invalid, which are made three months after the departure of the ships destined for the coasts of Europe, Barbary, and the adjacent ports, or those made in six months after the ship's departure for more distant places, if the assured does not give notice to the insurers thereof, and if he does not get himself assured, on good and bad news, that is, lost or not lost."

Remark. That as the articles 20 and 21, have an affinity with the foregoing, I shall remark on them all together.

20th Article imports, "That it is permitted to insure ships, merchandize, and effects, that are lost, pillaged, or damaged, even after the loss, &c. has happened, provided that the assured has no advice of the loss, &c."

21st Article says, "That the assured shall be supposed to have known of the loss, &c. if he has omitted to

make insurance, till after he can have received advice either by sea or land, counting three leagues of way, or two hours of time; and that then the insurance shall be void, notwithstanding (or *maugre*) all the proofs of ignorance the assured may be able to give; unless he is insured on good and bad news, and that he can swear that when he made the insurance, he had not the least account of the loss, &c."

Remark. By these three articles, which seem to be made in favour of the insurers, they are notwithstanding sometimes exposed to the cheats of people, who make no conscience of a false oath, provided it brings gain, and therefore the insurers seldom underwrite in these cases to unknown persons, or at least in prudence they should not; and what may be gathered from the said third article, is, that the ignorance of the assured, in regard of the ship, or touching the good or bad advices concerning her, are the two only conditions which can render the insurance valid, and therefore the oath is very necessarily ordained in these cases; for what would be more unjust, than to insure a thing known to be lost, which could never enter the thoughts of an honest man? But as these articles permit an insurance to be made, whilst the loss, pillage, or damage remains unknown, consequently it may be done on a vessel suspected to be lost after a storm, or feared to be taken by an enemy, from some confused flying reports about her, though without learning any thing certain; for example, suppose a storm to happen, with many ships in the *Texel*, and that several of them were seen to drive, and among others, such and such a one, and that it is feared they may be lost; in which case, the concerned, knowing that there will at least be large averages, and that there is no room to suspect a total loss, if no advice is received in two or three days; yet as this is uncertain, and cannot possibly be known, the interested person may make insurance, if he can find those that will underwrite, after the advices above-mentioned, on payment of a premium proportionable to the risk: it is the same with respect to a ship which is said to be taken by the enemy, though the report is unconfirmed, and all other similar cases, in which the insurance will stand good, provided it is inserted in the policy, the last news there was of the vessel, and that the insurance is upon good and bad advices, of which the assured can swear that he knows of no others at the time of making the said insurance.

7th Article declares, "That the insurance shall be null, if the assured makes his ship to touch at any other ports than those mentioned in the policy; but if this be done by the master, either through choice or necessity, without the assured's order, it shall not hurt the insurance."

Remark. This article, though so very clear as to explain itself, is notwithstanding very often the occasion of many disputes between the assurers and assured; the former endeavouring to make the first part of it serve as a just plea for non-payment of a loss or average happening in any port mentioned in the policy, if a declaration of the captain and crew is not very express, that he was obliged to go into it through necessity; in which case, the insurers have nothing to reply, because the affidavit of the master and his men is credited, and the underwriters are condemned without the least difficulty; but as it frequently happens, that a ship goes into some port by order of the owner, or principal freighter, unknown to the other loaders, it is very important to remark the sense of this article, and to distinguish him who knew that the vessel would touch at certain ports, from him who loaded only for one, and did not know that she was to call at others: for example, ships are daily set up at *Amsterdam* for *Bordeaux*, and the merchants load aboard them, without enquiring or imagining that they are to stay at any place by the way, and make their insurances for that place; nevertheless, it happens that some one has a considerable parcel of goods to ship for *Rochelle*, and not finding a ship ready to depart for that port, he agrees with the master loading for *Bordeaux*, to take his goods for *Rochelle*, and obliges him to deliver them before he proceeds to *Bordeaux*; if this is transacted without the knowledge of him who makes insurance for *Bordeaux* only, and any mischance happens

pens to the ship at Rochelle, this shall not occasion a nullity in the policy of him who was ignorant that the vessel must call at the latter; but there will be one in the policy of an owner of such a ship, who has got insurance made on her directly for Bourdeaux; because, according to this article, he could not direct her going into any other port, but that mentioned in the policy, and that it is supposed he knew, when he made his assurance, that the ship was to touch at Rochelle; for if he did not know it till after his policy was signed, he ought to have got a clause inserted therein, that the ship should have liberty to call there.

It every day happens, that vessels which are loading for Marseilles, Genoa, and Leghorn, take in goods for Cadiz, Seville, Barcelona, and other ports in their way, without its being known to those who shipped for the first three places, and who only get their interest insured to that one of them, where the merchandize went consigned, without inserting in the policy, a liberty for the ship to touch by the way at the aforesaid ports, and the insurers do not use to make any dispute about it, with the shippers who were ignorant of it, because they know well enough, that it is customary for such ships to take in merchandize for different places; but an owner who insures, for example, from *Amsterdam* to Leghorn, without putting in the policy, that the ship may touch at, or go into all ports that are in her route, his insurance shall be discharged, if the vessel is lost in any one of the ports in which she shall have entered, &c.

8th Article, "Limits the assured for six months for abandoning any ship or effects to the insurers, which some foreign power has stopped and detains, when the detention is on the coast, or within the limits of Europe or Barbary; and one year, if it is in any more remote place, counting from the day that the brokers shall have given notice to the insurers thereof, by directions from the assured; and it permits these latter, within the times so limited, to take their precautions against the underwriters, by securities, pawns, or otherwise, as they shall think proper, permitting them besides, or their agents, to land the merchandize reclaimed and released, upon other ships, to be carried to the place they were designed for; and if the assured omit it, the insurers may do it; in which case, these latter shall only be obliged to defray the expence of loading and freight, and to pay for any damages the goods may have suffered, during their embargo."

9th Article, makes an exception in the before-mentioned time, in respect of perishable commodities, such as fruits, wines, grain, &c. in regard of which, "The assured shall not be obliged to wait the expiration of the said six months, but may endeavour to obtain their release in the manner he deems best, though he must make the insurers acquainted with the condition the merchandize is in."

Remark. In the two preceding cases of a detention or arrest, the insurers leave the care of reclaiming what shall be so stopped to the assured; but these should not fail to be well and duly authorized by the insurers, which authorization is invalid, except made by the huissier (an officer) of the chamber of the insurers; and therefore it imports the assured not to neglect having it made by him that may effectually serve them, in case the insurers should make any wrangling about the charges of reclaiming, &c. as these commonly are exorbitant, and frequently occasion great disputes; to avoid which, the assured should absolutely do nothing, without the consent of the underwriters; and where the sum is pretty heavy, it will be advisable to engage one or two of them to act in concert with the assured, at least in obtaining the release of the embargoed effects.

If the merchandizes reclaimed are released, and loaded on some other ship, in order to finish the voyage, the assured should not fail to make the insurers declare it by a clause at the bottom of the policy, by which they acknowledge, to be advised that the ship, upon which the merchandize insured was loaded, having been embargoed, it was shipped on board such other vessel, and that they continued the same risque, as they run on the first ship, to their destined port.

10th Article, "Prohibits the making insurance on the

body of the ship's guns, and warlike-stores, for above two thirds of their value, and to insure in any manner whatsoever, the freight, stores, powder, balls, victuals, or such like consumable things."

Remark. This article was too burthensome to owners of ships, in obliging them not to insure above 24000 guilders, upon an interest of more than 35, or 36000; so that their risques were reduced to an eighth part of the value of ships, by the first article of the ordinance of the 26th of January, 1693, as will be seen hereafter.

11th Article, "Prohibits masters of ships, mates, sailors, men at arms, and all others, who serve abroad, to insure their salaries, or any thing that belongs to them, except they have goods with them above the import of their wages."

Remark. This article is founded on substantial reasons, of which the principal is, as I imagine, that as the owners are not obliged to pay the mariners after losing their ship, these latter commonly endeavour all they can to save her, when in danger, in order to secure their pay; and it is certain, that they would not act on such occasions, with so much warmth, if their wages were insured.

12th and 13th Articles, "Limit the time in which the assured are obliged to bring their action of damage or average against the insurers, viz. a year and a half, if the loss or damage has happened on the coasts of Europe or Barbary, and in three years, if it has happened in more distant regions; to be reckoned from the time of the ship's entire discharge, or from the time in which the loss has happened."

Remark. The case very seldom happens, that the assured wait so long a time to demand their loss or average from the insurers, or at least to let them know that they have one to settle, which is sufficient for commencing an action against them, in case of refusal, even when they cannot know till a long time after, what the said loss or average will amount to.

14th Article says, "That all the preceding orders are to be understood, for assurances made on every thing that goes by sea, &c."

15th Article, "Regards the insurances made on goods, carried by land, or rivers, the which the merchants may contract among themselves, as they shall think proper, except that the assured shall run the risque of the $\frac{1}{10}$, as in the second article of this ordinance; and that the carters or waggoners shall not insure above half the value of their carts, waggons, or horses, and nothing of their wages."

Remark. There are very few of these sorts of insurances made at *Amsterdam*; therefore I shall not stay to make any observations on this, or the subsequent article 16, which is only to "allow the assured a year's time to demand from the insurers the recovery of the loss or average, which has happened to the goods, going by land or river."

17th Article ordains, "That if insurance is made upon grain, fruits, wines, oils, salt, herrings, sugar, quicksilver, tallow, butter, cheese, hops, syrup, honey, seeds round or flat, and such like things as are subject to corruption; upon ammunition, and upon silver coined and uncoined, they shall be specified in the policy, upon penalty of its being otherwise null and void."

Remark. The alteration of this article, will be seen in what follows, at number 3.

18th Article, "Permits the contracting parties in assurances, to make them before notaries, registers, or other public officers, or by private notes of particular persons, or before credible witnesses."

Remark. As this ordinance was made on the 31st of January, 1598, it appears that but few insurances were made then, as they were permitted to be under a private firm, and upon common paper; but the number of them having considerably increased since that time, it was necessary (as will be seen in the sequel) to ordain a set form, and to have it marked by the secretary of the chamber. For a long time all sorts of policies were drawn up indifferently, under the twelve silver-seals; but by the regulation made by the states of Holland and West-Frise, upon the duty of the small seal, of the 28th of August, 1716, in the 56th article, "It is ordained that all the policies, for

sums under 500 guilders, shall for the future be made under the twelve stiver-seals; those of 500 guilders, and less than 10,000, under the twenty-four stiver-seals; and those of 10,000, and upwards, under the forty-eight stiver-seals."

But as it would be imprudent in the brokers to hazard a sealed policy, when their employers order them to get a sum insured at a limited price, or on such conditions as they doubt will not be complied with, they have small policies on common paper, which they often get the underwriters to sign, and afterwards to transfer their firms to such as are ordained by law, when the insurance is completed.

19th Article, "Orders all those concerned in policies, to make them out according to the ordinance, and to keep a copy, *verbatim*, of all the hand-writing therein."

Remark. This is so much the more necessary, as the assured may happen to tear, or lose a policy, or that some knave, who has got himself insured, may alter something therein to his benefit, and disadvantage of the insurers; in which case, and in other similar ones, the copy which the broker keeps, may serve for a proof and testimonial.

I have already spoke of the articles 20 and 21, under the 6th.

22d Article, "Permits the assured to demand a return of premium from the insurers less $\frac{1}{2}$ per cent. if he does not load the goods, or those are not shipped for him, on which the insurance was made, or if he has insured more than the value of the merchandize he has shipped, or is shipped for him."

Remark. When a return of premium is demanded, it should be done as soon as possible, to remove all suspicion from the insurers, of an intention to cheat them in case of damage; and if one insurance is made on a ship coming from a distant port, in the expectation of having some goods by her, which on her arrival, is found to be otherwise, the assured should shew the underwriters, when he demands the return, the letters he may have received, with the advice that his correspondents could not send him any thing by that occasion; or at least a declaration from the captain attesting, that he brought nothing for the assured; for without this, he will not be unlike those people, who finding their merchandize safe arrived, are so dishonest, as to affirm they had nothing aboard, in order to procure a return.

23d Article, "Ordains, that the last underwriters shall participate in the insurance, as much as the first, either in profit or loss."

Remark. With regard to profit or loss, one insurer may have more than another in the same insurance; for when a very large sum is to be insured, and a good part of it is done at a certain price; for example, at three per cent. but a sufficiency to complete it is not to be obtained on these terms, the premium is raised to four per cent. in which case the last underwriters gain one per cent. more than the first, if the adventure arrives safe, and lose one per cent. less than the others, in case it does not; but it is not in this respect, that this article is to be understood; for it only ordains, that each insurer shall partake of the profit or loss, in proportion to the sum he has signed for, viz. if one insurer, who has underwrote at three per cent. gains the premium, he that he has underwrote for four or five per cent. gains it also; and if he that has signed for three per cent. pays fifty or sixty per cent. loss or average, he that has by his firm obtained four or five per cent. shall pay neither less nor more than the other.

24th Article, "Orders, upon pain of nullity, not to make insurance upon the life of any one, nor upon any wager of a voyage, nor any such inventions."

Remark. As there is no point of practice, or subtlety in the world, either to gain or preserve money, which has not been found out or invented at *Amsterdam*; this article is not always religiously observed, and there are people, who, having a post, which for example, may bring them in 3000 guilders *per annum*, get that sum insured on their life for a certain number of years, that if they die, their family may enjoy the revenues, for the remainder of the term insured; but these are very ticklish insurances.

25th Article imports, "That the assured having abandoned in form to the insurers, these latter shall have three months time allowed to pay the sum they have underwrote for."

Remark. The insurers are obliged to pay the sum insured, entire, without any deduction, in case they take the above-mentioned three months to do it in; but the common custom is, for them to have two per cent. abated in case of prompt payment on losses well proved; for if the proofs are insufficient, the insurers endeavour to take advantage of this circumstance, to pay as little as possible, and the assured must get as much as they can, or wait till they have procured proofs of the loss, in all the forms by law required.

26th Article, "Says, that if the gross average does not exceed one per cent. the insurers shall not be obliged to pay it."

Remark. Averages of two or three per cent. happen so often, that the insurers find no advantage in this article, and therefore they have for a long time agreed to sign no policy, which does not free them from any average under three per cent. as also to be free from the expence of *Jours de Planche*, (which are those days a ship is to lie by custom or charter-party, more than what is necessary to load or unload her cargo) and as they are frequently obliged to pay averages upon wool, flax, and hemp, they have for some years past agreed among themselves, not to insure on these three sorts of merchandize, except free of average, under ten per cent.

Nevertheless, when the insurers are sued, the commissioners of the chamber have no regard to these clauses, but condemn the underwriters to pay all averages that exceed the one per cent. in conformity with the ordinance.

27th Article, "Frees the insurer from paying the damage or loss, upon things that corrupt and spoil from their own imperfect nature, when some foreign cause or mischance has not contributed to it."

Remark. If the grain, fruits, or other such merchandize, happen to heat, or the wine, brandy, oils, and other liquors, are spilt and leaked, without any thing contributing to it, the damage is the assured's; but if it is occasioned by the sea-water in a storm, or by a shock of the ship against some bank of sand, or any similar cause, the damage is for the insurer's account.

28th Article, "Obliges the insured to give notice to the insurers of the advices they receive, of the mischances, embargoes, and damages, which happen to the ships or effects insured; and that the brokers, or other public persons, do make minutes of such notices."

Remark. The assured are so much the more obliged to give this notice to their insurers, as it is they who must pay the damage, in case of a disaster; and if the assured does the least thing unknown to the underwriters, and without their consent or authority, and that what the assured shall have done to prevent a greater ill, turns out the reverse of what he expected, there are many cases in which the insurers would not be obliged for the damage, and others in which they may have room to wrangle a great deal, to lessen their loss.

29th Article, "Imports, that this ordinance ought to be understood generally, for all the insurances which shall be made in this city, as well by the subjects of this country as by strangers; and upon all sorts of merchandizes and effects, going and coming both by sea and land; and if they are contrary to the ordinance, they shall be null and invalid, as is mentioned in the first article."

Remark. I have already observed on the first article, that many insurances were made, which are not entirely conformable to the ordinance; and I have nothing more to add here, but that use and custom have introduced many things which are contrary, but one ought to be extremely sedulous, on making any insurance contrary to the ordinance, taking care what insurers underwrite the policy, and inserting all such clauses, as may leave no room for dispute, or to have them annulled by the chamber of insurances, or by the other courts of justice, in case of being obliged to come before them which will, in a great measure, depend on the ability and forecast of the broker.

30th Article, "Forbids the commissions of the chamber of assurances, their secretary and clerk, and all insurance-brokers, to insure or to be insured, directly or indirectly."

Remark. It may be seen, that this prohibition, with respect to the commissioners and secretary, is taken away,

by the ordinance, *Number II.* But in regard to the sworn-brokers, as they take an oath not to do any business on their own account, when they are admitted, they can neither insure nor be insured, without contravening or breaking their oath; nevertheless, there are many, who have ships and parts, which they every day get insured.

31st Article, "Orders to punish exemplarily all those who shall use any fraud, misdemeanor, or cheat, in assurances."

Remark. Insurances were invented and introduced, purely with the design to relieve merchants in case of a loss, by sharing as much as they thought proper to get insured; therefore, it would be acting very unjustly, to aim at gaining or enriching one's self, by making the insurer's loss, as has happened more than once, by thieves and knaves, who have insured large sums on ships, on board which they had nothing, or things of a very small value, which they have in concert with the captains procured to be lost, or by some such other trick: it is therefore of the utmost importance to the insurer, that this article be pursued to the greatest rigour, and it may be seen in the ordinance, *Number VII. art. 2.* that these sorts of cases are reserved to be judged by the lords *Echevins* (or sheriffs.)

32d Article, "Ordains, that all accidents of insurance, shall be brought in the first instance before the commissioners of the chamber, which they shall judge upon the footing of the ordinance; and for their employ, they shall have jointly with the secretary one-third *per cent.* on the sums brought for their determination, payable by the plaintiff."

33d Article, "Authorizes the commissioners of the chamber, to order a delivery of the money demanded, wholly, or partly, if they think proper, after the verification of the policies and proofs; and that it appears to them, that the notification of the loss to the insurers was made three months before, permitting those who have obtained the possession, to remain with the money, under a sufficient security, to return it with interest, after the rate of twelve *per cent. per ann.* if the commissioners find afterwards that it ought to be returned."

34th Article, "Permits an appeal from the sentence of the commissioners, to the *Echevins* (or sheriffs) of the city."

35th Article, "Ordains, that the execution of the sentences given by the commissioners, shall be performed in the same manner, as that of the sentences given by the *Seigneurs Echevins*."

36th, and last Article of the ordinance, Number I. "Directs those who appeal to the *Seigneurs Echevins*, from the sentence of the commissioners, to do it in ten days, and to give in their articles in ten days after; paying at the first audience twelve guilders as a mulct, if the sentence of the commissioners is confirmed by the said *Seigneurs*."

Remark. I shall content myself with giving the sense of these four last articles just as they are, without entering into a detail of the cases that may happen, when obliged to litigate them with the insurers; because that there is an infinity, which almost all differ one from another, in the whole or in part, and which the solicitors, who plead these sort of affairs often, know so well how to embroil, that the process may last longer than it ought; I shall only remark on this subject a passage in the *treatise on Averages*, wrote by the famous *Quintyn Wytfen*, which is very often cited in justice, upon the matter of averages and insurances, where he says, *that the insurer is regarded by all as a pupil*, that is to say, that they are protected in justice as orphans, and that they are never condemned to the utmost rigour, as it may be done in a cause between particulars; and it is for this same reason, that I advise all those, who have any difference with the insurers, to accommodate or compromise it amicably, as well as they can, and avoid a suit, as they may be certain they will often get more by a friendly adjustment than by a litigation; for the insurers had rather grant something than be prosecuted, because this makes them decried as wranglers; but it must at the same time be confessed, that if too much is demanded of them under this belief, they rather choose to go to law, in which they are not quite wrong.

And as in process of time some new causes have happened, not mentioned in the ordinance, the magistrates of this city have, from time to time, made additions and ampli-

fications, and changed those articles which they found not to be essential. The additions are contained in the eleven regulations or ordinances following, which I shall mark from *Number II.* to *XII.* to follow the order in which they are couched, *in the manner of proceeding before the justice of Amsterdam*, from whence I have taken them.

NUMBER II.

The 30th of January, 1626, "The lords justices willing to amplify the second article of the preceding ordinance, have ordained, that when any one is insured, and the insurer fails and becomes insolvent, the assured may set aside the insurance, by his notifying it to him, by a notary and two witnesses, at the place of his last habitation or to his assignee, leaving however the premium, which he cannot reclaim, and afterwards he may get himself insured by another underwriter, on good and bad advices."

This amplification was undoubtedly made to prevent the difficulties which might result from what the article 2, (where it is spoken of) ordains, that the assured shall run the risk of $\frac{1}{10}$ for all under 12000 guilders; according to which, a man, who has got 10800 guilders insured on goods worth 12000, cannot insure any more; and one of the insurers happening to fail, and the assured being desirous to get some other to underwrite in his room, it would seem by the policy, that he should have got himself insured for more than he was permitted, if he had not given it over, in the forms directed in this amplification, which may serve him for proof in case of need; but as I have mentioned under the second article, that any one might get himself insured entirely, I shall only observe here, that if an insurer happens to fail, the assured should by no means omit desisting from his insurance, in the forms prescribed by this amplification.

NUMBER III.

The 9th of May, 1614, "Our lords of justice having examined the 17th article of this ordinance, and found that great abuses had resulted from it, they thought proper to alter it; and to ordain, that hereafter, all sorts of merchandizes and effects whatsoever, shall be comprehended under the general names of merchandize or effects, corruptible or incorruptible; but that he that would insure upon gold, silver, coined or uncoined, precious-stones, or jewels, and ammunition, shall be obliged to have it expressed in the policy, on penalty of its being nullified."

The 17th article above-mentioned, orders to specify in the policy, the merchandizes which are subject to perish through their own nature, which was quite needless; because the 27th article of the same ordinance, exempts the insurers from paying the damage which shall happen without any foreign cause; and whether these sorts of merchandize are named in the policy or not, when any damage happens, the question is, to know what cause produced it; but in regard of gold, silver, jewels, and warlike stores, the 17th article remains in its full force.

NUMBER IV.

In February, 1600, and in the month of June, 1601. "Our lords of justice ordered, that the commissioners of the chamber of insurances, and their secretary, might be insured."

The 30th article of the first ordinance had prohibited it, as may be seen in the said article.

NUMBER V.

"This ordinance provides, that all the different accidents which arise from averages, shall be carried in the first instance before the commissioners of the chamber of insurances, to be by them regulated and decided, in the manner established with respect to insurances, in the last articles of the first ordinance, and that the execution of the sentences shall be performed according thereto."

NUMBER VI.

"The first of this ordinance, provides, that they shall every three days proceed against those, who being cited before the chamber, shall not appear; and that for the first, second, third, and fourth fault of non-appearance, they

they shall be condemned on the second omission, in a mulct of six stivers; on the third, in twelve stivers; and at the fourth eighteen stivers; and that the commissioners may condemn or absolve for the principal at the fourth neglect, however, without decreeing a security in virtue of the said faults, unless the commissioners see by the deduction of the cause, that it is disposed so that he ought to be ordained to give it, instead of a definitive sentence, in virtue of the fourth fault.

“ The second part ordains, that the decay or ruin of the ships that go from hence to the Indies, whether it happens going or coming, shall be on account of the insurers, unless these vessels happen to be employed in an extraordinary manner in the said Indies, for the trade thereof; and that all the merchants shall be obliged to place their merchandize, upon which the average ought to be regulated, according to their true value; and that this may be done with the greater honesty, the effects, brought under contribution, shall be put into the hands of the commissioners, to the end that they may be enabled to determine equitably.”

This ordinance was made the 20th of June, 1600, before the establishment of the India company, and regards more the particulars who traded there, than the company, who never insure, that I know of; but since that it charges the insurers with the perishing of ships in a country so distant, there is a much stronger reason that they should be answerable for the same misfortunes in those seas, which are a great deal nearer, in which the insurers would certainly be greatly to be pitied, if the commissioners had not some regard to them, which is left to their discretion in the ordinance, *Number XI.*

To commit the effects under contribution of an average, into the commissioners hands, that they may judge equitably, is very often impossible, and when it is otherwise, the thing would be equally troublesome to the commissioners and merchants; therefore in such cases, the commissioners themselves have the ships taxed that lie before the city, and order the merchants, who have an interest in the loading, to bring in an account of the just value of their goods to the chamber, and as this is often done after the goods are sold, those who have disposed of theirs, insert the produce in their account, and those that are still unfold, they pass according to the price current; and upon the taxation of the ship, these different accounts of the merchants, and the estimation of the damage happened, the commissioners regulate the average, and decree the repartition in their sentence.

NUMBER VII.

This ordinance, made the 14th of June, 1607, contains five articles; of which the

1st Article ordains, “ That the fines proceeding from the faults obtained before the chamber, shall be exacted by the huissier of the chamber, of which he shall have the third for his trouble; and if he cannot recover them, they may be exacted by the sergeant of *Monsieur* the officer.”

2d Article, “ Directs the commissioners to send before the lords *Echevins* all those causes of insurance in which they have found any fraud.” This is properly a confirmation and amplification of that which is said in the first ordinance, article 31.

3d Article decrees, “ That when in any danger, some gross goods shall have been thrown overboard from between decks on ships coming from the Levant, they shall be brought into an average, on ship and cargo.”

This is a law generally received by all Europe, to bring into a gross average all that is thrown into the sea, all that is cut away, broken, or lost in the danger, to save that which remains aboard; which makes me believe, that this article was only made to stop the mouths of some wranglers, who it is probable would maintain, that what is put between decks, being thrown overboard in the danger, ought not to be brought into an average.

4th Article, “ Authorizes the commissioners to condemn the parties, in all or half of the expences, or to decide them as they shall think proper.”

5th Article, “ Enjoins the commissioners not to carry to the insurers account (when they regulate any average) only what they shall find ought to be carried to averages.”

For to understand this article aright, it must be observed, that averages are frequently regulated in one manner between the proprietors of the ship and those interested in the cargo; and in a different one, with regard to the insurers, who are not obliged generally to pay all that is brought into an average upon ship and goods, but only certain articles, according to the circumstance of the case, which would be too long to deduce here.

NUMBER VIII.

This ordinance also contains five articles, of which the 1st Article, “ Decrees, that all the premiums of insurance, which do not exceed 7 per cent. shall be paid in ready money, without deducting them from the damage in these causes, which shall be brought before the chamber, but they shall be counted, and held as paid.”

2d Article ordains, “ That the premium exceeding 7 per cent. shall be paid in six months after signing the policy; but if the premiums on going and coming amount to more than the 7 per cent. and to 14 per cent. inclusive, the half shall be paid down, and the other half in six months after, with the interest of 12 per cent. per annum after the expiration of the said six months, to the time of payment.”

In obedience to the first of these articles, or to both of them, the insurers never sign a policy, that they do not insert at the same time, that they have received the premium, although they do not receive it till two or three months after, and some time, never, because they have an open account with every broker; and if a loss happens, they draw upon him, without having enjoyed the premium. It is true, that they may recover of him directly, and it were to be wished for their sakes, that they gave less credit to some brokers, who use the premiums to pay every thing else but them; if they gave so much less credit to the brokers, the insurers would not suffer as they often do, when any one of the former becomes insolvent; for if the merchants, by employing the brokers, give them an opportunity of gaining their brokerage, they only are answerable to the insurers for the premiums; and if those were paid in ready money, the brokers would not be exposed to this risk.

In regard of the premiums in going and coming, the custom observed for a long time, has been in the same manner as above, but the broker will not engage with the insurers only for the premium out; and when the ship is arrived, or is upon her way home, the insurer assigns the premium of her return to the assured; but as it frequently happens, that some of the assured fail during the interval of the voyage, by which the underwriters lose the premium on the ship's return; it is now some years since they have obliged the brokers to be answerable for both, in which I think they have acted very prudently.

3d Article, “ Ordains, that when the chamber of assurances has made a repartition of the average or damage, the insurers shall be obliged to pay it directly, and in default thereof, they shall pay the assured an interest on the sum in which they have been condemned after the rate of 12 per cent. per ann. to be reckoned from the day the repartition is made, till the time of its discharge.”

This case occurs so rarely, that I have never seen an example of it; but on the contrary, a loss or an average is no sooner regulated by the chamber, than the insurers are the first who desire to pay, unless they think themselves unjustly dealt by, and have an intent to appeal.

4th Article, “ Directs the commissioners not to make any repartition of total losses, till the three months of the abandoning be expired, according the 25th article of the first ordinance.”

I have remarked upon the said 25th article, that in such case the insurers ought to pay the entire loss; but on agreeing to it amicably, they only pay 98 per cent. which is better to both the one and the other, than to go to law, for many reasons.

5th Article, “ Orders, that the brokerage on insurance shall not exceed $\frac{1}{4}$ per cent. as well on going and coming, as on going, or coming only; to be paid, half by the insurers, and the other half by the assured.”

The custom is, that the insurers only pay the brokerage at $\frac{1}{4}$ either going or coming, and $\frac{1}{2}$ per cent. outwards and homewards: and if this is not agreed to, as the brokerage for

for going or coming singly is $\frac{1}{4}$ per cent. the brokers may with reason, first make the insurance outwards, and some days after, make that homeward, in order to get double brokerage; and I do not doubt of their having done so, since the making this ordinance, &c.

NUMBER IX.

It is ordained by this amplification of the preceding ordinance, *Number VIII.* "That all the premiums of insurance, at whatever per cent. they may be, and let them be what they will, shall be paid immediately on signing the policy, under the penalty of their being null; provided that those which are made for going and coming, the premiums for going shall be paid directly, and the premiums for returning shall be paid on the arrival of the vessel; and of all the insurances which are made by the month, the premiums shall be paid down for as many months as shall be stipulated in the policy."

NUMBER X.

As the foregoing ordinance does not very clearly explain itself, in saying, that the premiums on the homeward bound voyage shall be paid on the ship's arrival, this article is added, and imports, that the premiums on her coming back, shall be paid when the vessel shall be returned, and finished the voyage.

It may be seen by these two articles, what I have said under the second article of *Number VIII.*

NUMBER XI.

In reply to the advice which the commissioners of the chamber requested of the burgo-master, how they should regulate the damage upon woad, sugar, and other merchandizes, which come from the Azores islands; as a very great difference is found in the price, between those bought with ready money, and those taken in truck; and also upon what the said commissioners represent, that in long voyages, where the assured gain largely, the vessels decay considerably, and if they are lost, the insurers pay a great deal more than the ships would have sold for if they had arrived in safety.

"Our lords of justice ordained, that the woad should be reckoned, till farther order, upon the footing of 800 rees the quintal, unless the concerned can prove in eight months, that the woad was bought in the said isles, at a higher, or lower price; and with respect to sugars and other merchandize, the commissioners may value them as they shall think proper."

"And touching the ships, which by the length of their voyages, are worn out, worm-eaten, or become unnavigable, the commissioners were authorized to act according to their discretion."

It is very just to have regard to the price of the goods which are to contribute to an average, when the calculation is to be made, more especially when some part of them have been taken in truck, and the other paid for in ready-money; in which case, those that are received in truck, would cost a good deal more if passed at the price they were taken at in barter, than those purchased with ready-money, and would not however be any thing better; and notwithstanding they would pay considerably more than they ought towards the average. For example, a quintal of woad shall have been taken in truck for 1200 rees, and a quintal of the same bought for 600, with ready-money; and if the average is regulated on the footing of these two purchases, the quintal taken in truck will pay double the average that the quintal bought with ready-money will, which would be visibly contrary to reason, and to the ordinance, *Number VI.* which directs, that things should be put at their true value.

In respect of the decay of ships, it is certainly very equitable, that it should be regulated, as well in the regulation of losses, as in that of averages; for it is certain, that on many occasions the insurers lose, and pay the damage which happens to ships, whilst the proprietors gain a great deal above it.

NUMBER XII.

This amplification decrees, "That henceforward, any abandon, registering, or authorization, in matters of insurance, shall not be done but by the secretary or huissier of the chamber of insurances, who are sufficiently authorized for it by this ordinance, which prohibits all notaries, brokers, and other persons, to undertake the doing any act, under penalty of its being null."

If the assured judge that the insurers have any room to make a dispute, they ought not to fail making the abandon, registering, or authorization, as it is ordered here above; because all that they get done by their brokers is null and invalid, if the affair comes before the chamber, and that these pieces must absolutely be drawn up there, and signed by the huissier, to be valid.

The 5th of March, 1688, the following ordinance was published:

"Those who would get insurance made on ships or effects already departed from the place of their loading, shall be obliged to declare it on the policy, and to note the time of their departure, except they are ignorant of it; and if they are so, they are expressly to declare it in the policies, on penalty of its being null."

As this article has a relation to, or affinity with the *Articles 6, 20, or 21,* of the first ordinance, it may be seen what I have said under the 6th.

The same day, 5th of March, 1688, the subsequent order was also published.

The lords justices having been advised, as well by many merchants, as insurers, that divers changes were daily made in the print of policies, and that almost every broker added some novelty, which obliged both the merchants and insurers to read, as well what was printed, as wrote in them; and that this was a troublesome practice, by reason of the many affairs they had to transact at the *Bourse* and elsewhere; from whence proceeded a greater number of frauds, bad tricks, &c. the which my said lords desire, and to prevent, have enacted and ordained, that henceforward no one shall print or offer any policy which does not contain word for word the same as those that follow, and they must be marked by the secretary of the chamber of insurances, who shall have three stivers as his due for each; and no policy shall be made which is not marked by him, in want of which, they shall be invalid; and the brokers who offer any policies, with other contents than what is in the subsequent forms, shall pay for each fifty guilders mulct.

A form of the licensed policies upon ships.

We the underwriters do assure you, Mr. _____ or any other to whom it may appertain, in the whole, or in part, friend or enemy, without any exception, viz. every one for the sum here subscribed, of (in this blank is inserted the voyage the ship is to make)

upon _____ the body and tackle of the ship (which God preserve) with her guns, ammunition, apparel, and appurtenances belonging to the said _____ or to any other, called _____ of which is captain _____ or any other who may be put in his place the risque, perils, and adventures which we take upon us, from the day and hour that _____ until the time that the said ship shall

be arrived as above, with her guns, ammunition, apparel, and appurtenances, and entirely unloaden; and the said ship may go forward, retreat, turn, and go about to the right, left, and on every side, in the manner that the captain or captains may think proper, for the benefit and advantage of the said voyage; the above-mentioned dangers, consisting in all perils of the sea, of storms, fire, and winds, arrest of friends or enemies, detention of kings, queens, princes, lords, and communities, letters of marque and counter-marque, imprudence of captains, or barretty of the mariners; and in all other perils and adventures which can happen to the said ship, of whatsoever sorts they be, foreseen or unforeseen, ordinary or extraordinary, without excepting any one, provided they happen without any design or knowledge of the assured;

assured; we put ourselves in all the aforesaid cases in your case, to pay you, the assured, or to your agent, all the damages that you shall have suffered, viz. each one, in proportion to the sum he shall have underwrote, as well the first as the last insurer, and that within one month after we shall have been duly advised of the loss or damage, and in that case, we give to you the assured, and to all others, a full power, whether it turns to our advantage or to our loss, to lend a hand to save the said ship, and its appurtenances, to sell it, and to distribute the money, if the case requires it, without demanding either our consent or permission: we also paying the charges, which shall be occasioned in this affair, and likewise the damage which shall have happened, whether any thing is saved or not; and in respect of the account of charges, a certificate shall be added to the oath of him that furnished them, without any contradiction; provided that there shall be paid us in ready-money for the price of this assurance

per cent. engaging for this effect, and submitting our persons and goods present, and to come, according to law, renouncing, as men of honour, all chicanes and exceptions, which may contradict the present. So done at *Amsterdam*, &c.

N. B. The policies on goods are the same with the above, only varying the terms (as in the English one) therefore I omit the translation.

A new amplification of the ordinance of the chamber of assurances, and averages of the city of Amsterdam.

The lords of justice of the city of *Amsterdam*, having seen and examined the request of many considerable merchants of the said city, presented to them to-day, beseeching that there may be some alteration and redress made in matter of insurances; and after having heard the advice of the commissioners of the chamber of insurances and averages, have thought proper to enact and ordain, as they do by these presents:

1st Article, "That henceforward insurance may be made on the body and tackle of ships for seven-eighths of their true value, however, without permission to make any on their freight, powder, ball, victuals, or such like things which are consumed, and the assured shall be obliged to run the risque of the one-eighth, as well for what is above, as under two thousand *livres de gros*, derogating and altering in this respect the 10th article of the ordinance of the chamber of insurances."

The 10th article of the first ordinance altered by this, forbids the insuring ships for above two-thirds of their value, which was sufficient to discourage all those who should have a design to build ships, it obliging them to run the risque of one-third of their value, which might not suit every one; so that it is with reason they have changed the said 10th article, of which we are speaking; and it is even very much wished, that they had not obliged the owners of ships by this article, to run the risque of the one-eighth; for besides its causing many disputes, there is not naturally any necessity to oblige a man to run a risque, which an insurer would take on him for the premium he receives; there is even (if I may be permitted to say so) a wide door opened to chicanery in this amplification, which only speaks of the body of the ship, without making mention of the apparel and appurtenances, which are very often worth as much as the body of the ship; I, however, very well know, that when the commissioners of the chamber have a ship taxed, it is taxed with all its apparel and appurtenances, and without contradiction from the insurers; but I do not know what would happen if some one amongst them would stick to the letter of the ordinance, which only gives commission to insure the body: it may be said that a ship cannot go to sea without sails, masts, &c. so that her apparel and appurtenances being absolutely necessary to perform the voyage, they may be, and effectually are, comprehended with the body of the ship; however, this would not shut the mouths of some wranglers, if they were in such a case. But not to extend my criticism any farther, I shall say, that when an insurance is made on the body of a ship, it is very necessary to value it in the policy, and to insert that it is with

all its appurtenances and dependencies, and such other clauses, as an expert broker should find a propos to put in, according to the case and circumstances.

2d Article of this amplification says, "That in like manner it shall be permitted to insure the simple ransom, or redemption of captains and sailors, who run a risque of being taken by corsairs, and that upon policies (of which the plan shall be given herewith) the which ought to be marked by the secretary of the chamber, who shall have three stivers for each, as for other policies, upon penalty, that if they are not marked by the said secretary, they shall not be valid; and that the brokers, who shall make any policies in a different manner, shall pay fifty guilders mulct for each, &c."

The *24th article* of the first ordinance, prohibits the making insurance on any lives whatsoever; and many people confound liberty with life, imagining, that insuring the one, was not more lawful than the other, which occasions many difficulties between the owners of ships, and their captains, bound to the Mediterranean and the adjacent parts, where they run the risque of being taken by the Turks, when at war with them, and it was undoubtedly for that, that this article was made; and on the least rupture that we now have with any one of the states of Barbary, the captains designed for the Mediterranean, will by no means fail, 'till their owners have insured three or 4000 guilders upon their liberty, in order to redeem them with this money, in case they are so unfortunate as to be taken.

3d Article of the said amplification, "Decreets, that any insurance made upon money given *a la grosse* (a term used in Holland for lending money at a large interest like bottomry) upon goods, shall not be valid, unless it be expressly mentioned by all the bills of lading of the goods, how the money was taken up, with the date of the day and the place, from whom it was taken, and to whom it was delivered, and for whose account; but the assurance being made from a place, where no bill of lading was signed, it must be proved by the contract *de grosse*, or bottomry, &c."

The *4th and 5th Articles*, authorize the commissioners to condemn, from the second non-appearance, those whom the insurers have cited before the chamber for the payment of premium, and to proceed to other causes every second day, and to condemn upon the third default.

The Form of a Policy of Insurance upon the Liberty of a Person.

We the underwriters insure you or to whom it may appertain, viz. each for the sum here undersigned, to _____ on condition to go every way, during the whole voyage, and with liberty to touch in all places and in all countries in the way; to advance, retreat, get into port, unload and load, at the will of the captain or mate, whether it is with the liking and consent of the assured or his deputy or not; and that upon the body and person of _____ bound for _____ upon the ship (which God preserve) called _____ commanded by captain _____ and in case that the said ship should happen to be lost, and not accomplish her voyage, we run the same risque on the ship or ships upon which the said _____ may embark, to pursue and finish his aforesaid voyage, be it either by sea or land; and we only run the risque of his being taken by any nation whatsoever, whether Turk, Moor, Barbarian, or other infidel pirates, from whom, in case that the said _____ happens to be taken, and ransomed (which God avert) we promise to pay immediately to the assured, or to the bearer of these presents, without any abatement, each the sum by us insured for his redemption, with the other charges that this affair may occasion; and that as soon as the advice shall be received, and that it shall appear to us that he is released, or his ransom paid, and that the bills of exchange have been accepted; but the sums by us insured must be employed only in his ransom and concurrent expences, and for nothing else; and for the accomplishment of the above, we engage our persons and effects, present and to come, submitting them to all laws and tribunals of _____ justice,

justice, the whole sincerely without fraud or deceit; and we have agreed for the premium. So done in *Amsterdam*, &c. See ASSURANCE.

AMULET, an external medicine, or charm, worn in some part of the body, to cure or prevent diseases.

As we learn from sacred history that idolatry had diffused its baleful influence over the minds of men long before the days of Moses, so it is probable, that magic, and the ridiculous attempts to prevent diseases, and restore health, by the use of charms and amulets, are as old, since they seem to be closely connected, and nearly allied to each other. As this is the case, it must be as difficult to trace the origin of magic and amulets, as of idolatry itself. But it will be sufficient for us to know, that these illicit methods of procuring health, which were founded on a false religion, and supported by the credulity of a giddy and unthinking multitude, were not only practised, but in a manner incorporated with physic, long before the Greek physician *Æsculapius*, who, in all probability, practised them himself.

As to the manner in which this abuse crept into physic, and the motives which have induced mankind to prostitute their understandings, and affront their reasons, so far as to give it countenance, it is probable, that men, seeing the natural means of preserving health, and preventing death, frequently unsuccessful, grasped at every thing that first presented itself, and believed the impostor, who had confidence and wickedness enough to impose upon them. They allowed themselves to be so much the more easily decoyed in this particular, because they imagined, that, though these superstitious practices should happen to do no good, yet at least they could not possibly do any harm; and though they were of themselves without virtue, and without efficacy, yet, to authorize and establish their use, it was sufficient that some persons believed, that they reaped advantage, and received ease from them. It is even possible, that the belief, afforded by these charms, might have been real, since the force of imagination in the patient might have supplied the defect of medicinal virtue in the amulet; and the impression, made upon the mind by it, might have communicated itself to the body, and changed the state and condition of its parts. If to what has been said we join these two considerations; that these amulets were not, like other remedies, ungrateful and painful; and that religion, or rather superstition, which has too great an influence over all mankind, joined her sacred sanction, and pronounced them lawful: I say, if we reflect upon these things, we shall not be surprized, that men fell into the mistake, embraced the agreeable delusive error, and justified their prostitution of sense and reason, by an allegation of imaginary good effects produced by them.

But, whatever the cause be, certain it is, that charms and incantations have been so effectually introduced into physic, that all nations in the world have used them time out of mind.

The Pagans are not the only people who have fallen into this folly. Those who have been honoured with the knowledge of God, have suffered themselves to be corrupted and carried off by the bad example of their idolatrous neighbours; and some even of those who have been accounted the wisest of men, whatever the religion they professed was, have been so weak and superstitious as to split upon this rock, as well as the vulgar; though there have been in all ages, even among the Pagans, some free unfettered souls, who nobly dared to think for themselves, who looked through the mask, and sneered at the wild delusion.

AMURCA, in pharmacy, the feces which subside to the bottom of the vessel, where oil of olives newly expressed is put.

Lemery says, that it is emollient, lenitive, and resolutive, and proper to ease pains of the head, being outwardly applied, and to stop fluxions.

AMYGDALATUM, an artificial milk made of almonds, usually called an emulsion.

ANA, in physic, a Greek preposition much used in prescriptions, to signify equal parts in the ingredients preceding it. See it explained under the article A.

ANACARDIUM. *Lin. Gen. Plant.* 467. *Acajou. Tourn. Inst. R. H.* 658, *Tab.* 453. The cashew nut, or *acajou*. In the shops *anacardium occidentale*, which led Dr. Linnæus to apply the title of *anacardium* to the genus, rather than continue the former appellation of *acajou*, which was the Indian name, but it is doubtful if the eastern *anacardium* is of the same genus with this:

We have but one species of this genus, viz.

Anacardium, Hort. Cliff. 161. the *occidental anacardium*.

This grows to the height of fifteen feet, or more, in its native country, which is both Indies, but in England the plants are with great difficulty preserved; though by their first shoot from the seeds, they appear so strong and vigorous, as to promise a much greater progress, than they are ever seen to make.

The pulpy fruit, to whose apex this nut grows, is as large as an orange, and is full of an acid juice, which is frequently mixed in the making of punch in America. Many of these fruit have been brought to England, in casks of rum for the same purpose.

The nut is of the size and shape of a hare's kidney, but is much larger at the end which is next the fruit, than at the other. The outer shell is of an ash-colour, and very smooth; under this is another which covers the kernel, between these there is a thick black inflammable oil, which is very caustic; this will raise blisters on the skin, and has often been very troublesome to those who have incautiously put the nuts into their mouths to break the shell.

The milky juice of this tree will stain linen of a deep black, which cannot be washed out again; but whether this has the same property with that of the eastern *anacardium*, has not yet been fully experimented; for the inspissated juice of that tree is the best sort of lac, which is used for staining of black in china and japan.

Dr. Grew mentions the juice being used for staining of cottons, but it is doubtful which of the species he means; though Sir Hans Sloane supposes it to be of the *acajou* here mentioned. However, it may be very well worth the trial, if the inhabitants of the British islands in America would tap a few of these trees in the bleeding season, and collect the juice in earthen pots, keeping it in a place free from dust, or covering the pot over with a linen cloth, to prevent dust from mixing with it; and when it is of a proper consistence some trials may be made with it, to see if it has the same property with the Japan lac; which if it has, may prove a valuable commodity. *Miller. See ACAJOU.*

ANACARDIUM Orientale *Casp. Bauhini*, Malacca bean, is the fruit of a tree, of a black shining colour, about an inch in length, and in shape like a bird's heart, growing in the East-Indies. It is composed of two barks or shells, between which is a fungous substance, containing a dark-coloured caustic oil; and of a kernel of a white colour and sweetish taste. *Lewis.*

ANACOSTE, or **ANASCOTE**, a sort of woollen-diaper stuff, manufactured after the manner of serges of Caen, but not so woolly, and made of better wool. It is made at Leyden, in Holland, at Bruges and Aerschot, in the Austrian Netherlands; at Ypres, and in its neighbourhood in French Flanders. This stuff is a French ell broad, like the serges of Caen, and about twenty ells long. It is generally sent white or black into Spain, where there is a great demand for it. They have lately begun to manufacture some of them in France, especially at Bourges, where they imitate them perfectly well; and the merchants of that city send great quantities of them into Spain.

ANAGALLIS, the name of a plant, of which there are three species commonly used in medicine, the *Mas*, *Femina*, and *Aqualica*. The first is the

ANAGALLIS Terrestris *Mas*, *Offic. Anagallis* *Mas*. *Ger.* 494. *Raii Hist.* li. 1023. *Tourn. Inst.* 142. *Beerh. Ind.* A. 204. Male pimpernel.

This is a small low plant, not above a span high, having a great many square smooth stalks, with small chick-weed-like leaves, set one opposite to another, without foot-stalks, full of small, round, blackish, red spots underneath: the flowers spring from the setting on of the

the leaves, and grow singly on long foot-stalks, being a flower of one leaf, divided into five partitions, of a beautiful scarlet colour. The seed-vessel is round, opening horizontally in the middle, when the seed is ripe, which is small and round, and of a dark brown colour. The root is small and thready, perishing every year. It flowers in May and June, and grows in corn-fields. *Miller*.

The second is the

ANAGALLIS Terrestris Fœmina, Offic. Raii Hist. II. 1024. Tourn. Inst. 144. Boerb. Ind. A. 204. Female pimpernel.

This differs in nothing from the former, but in the colour of its flowers, which in this are blue; and it is more rarely to be met with. *Miller*.

Both these contain a great deal of salt, and a moderate quantity of oil and phlegm.

They are deterfive, vulnerary, and good against malignant distempers. *Lemery*.

The third is the

ANAGALLIS Aquatica, Becabunga, Offic. Raii Hist. I. 852. Tourn. Inst. 145. Boerb. Ind. A. 225. Brook-lime.

The stalks of *brook-lime* are thick, round, and smooth, shooting out fibrous roots at the lower joints, by which it easily propagates itself; the flowers come forth at the joints, growing in long spikes, each flower being made of a single leaf, divided into four roundish segments, and standing on a short foot-stalk, of a fine blue colour, and succeeded by a flattish seed-vessel, full of very small seed. It grows in rivulets, and flowers in June.

Brook-lime is a good deobstruent and antiscorbutic, abounding with volatile parts, and very good for the scurvy. It is also deterfive and cleansing, and useful in obstructions of the kidneys, by gravel or slimy humours; as also for the stone and dropsy.

ANAGROS, a measure for grain, used in some cities of Spain, particularly at Seville. It contains something more than the mine of Paris; so that 46 *anagros* make 19 septiers, measure of Paris; and 19 septiers of corn are reckoned to be equal to about 10½ quarters of London.

ANALYSIS, in *chemistry*, is the resolution of any substance into its first principles, with a view of discovering its component parts.

All the chemical *analyses* of plants which have hitherto been made, with a view to discover their natures more perfectly, have been conducted and managed almost in the same manner; that is, by separating, by means of fire, their constituent and component parts: 20 20

The principal difference which has been observed in separations of this nature, is, that some have fermented the mixed body, before it was subjected to the power of the fire; whereas others have begun the *analysis*, without any previous fermentation. The principles produced or furnished, by both these methods of separation, universally consist of certain quantities of salts, oils, water, and earth.

It has, for very good reasons, been doubted, whether, what we here call principles, are the true and real principles, which constitute and make up the mixt body, before it was subjected to the *analysis*; or, in other words, it has been doubted, whether these four substances, into which the compound body is resolved by the force of fire, were really to be found in that body, when it was in its natural state.

The first reason for our doubting of this is, that two plants differing in taste, in smell, in figure, and in virtues; cabbage, for instance, and deadly night-shade, are, when subjected to an *analysis*, reduced into principles so similar, both with respect to number and quality, that a person would take them for those of one and the same plant analysed at different times; though nothing is more certain, than that the one is a pot-herb, and the other a poison.

The second reason for our doubting of this, is, that one cannot recompose the same compound substance, by rejoining the principles into which it has been resolved by the *analysis*, whatever fermentation they should undergo, or whatever degree of fire should be employed for that purpose.

I pass over other difficulties, since they seem to be of less consequence; but these I have mentioned certainly

merit some attention. As for what regards the first reason of doubt, I shall only observe, that we cannot absolutely deny, that these four substances, salt, water, oil, and earth, enter the composition of all vegetables, since they are universally found in them, after whatever manner the *analysis* is conducted or carried on; but the difficulty only is to know whether they exist after the same manner in the plants, as they do when we have procured their separation by *analysis*; or whether the action of the fire has not altered these principles, and given them a quite different appearance, from what they had in the compound body.

I have made several experiments, in order to satisfy myself with regard to this point; but I shall here only give an account how I have performed one of them, since I intend to draw some consequences from it.

The juice of ripe grapes, newly expressed, put into a vessel, and distilled, will yield first a large quantity of an aqueous liquor, of which, the part that first comes over, is tasteless and insipid; and that which comes last, acid, with some marks of a volatile urinous salt; then, by augmenting the fire, it will yield a small quantity of a very foetid oil; and that which remains in the vessel, being incinerated and lixiviated, yields a lixivial salt, and leaves a small quantity of insipid earth. The same newly expressed juice of grapes being evaporated to about a third, on a very slow fire, and put into a cool place, an essential salt, somewhat acid, crystallized itself in it; and an oily substance, very sweet and agreeable to the taste, floated on its surface; and the liquor that remained was a little tartish, on account of some essential salt, which still remained in it. The same juice of grapes, having fermented, and become wine, yielded in distillation, a pretty large quantity of inflammable spirit, and afterwards a great deal of purely aqueous liquor; then the matter, which remained in the alembic, being evaporated to the consistence of thick honey, I took it off the fire, and poured upon it the strongest spirit of wine, well dephlegmated, which became charged with a reddish oil, of an aromatic smell; a little earthy matter was precipitated, and an acid salt, resembling tartar, crystallized at the bottom. These three different *analyses* of one and the same mixt body, yield us the same principles, but very much altered by the great fire in the first, and by the fermentation in the third *analysis*; so that the principles yielded by the second *analysis*, having neither suffered the torture of a strong fire, nor undergone a fermentation, must, least of all, recede from the natural state which they retained in the plant.

We find the sweetness of the grape in the oily matter which floats above the crystallization, its pbinant taste in the tartish salt which was crystallized, and its fluidity in the aqueous phlegm which was evaporated from it. The earthy matter remained mixed with the oil and salt, and could not be separated but by a strong fire, as happened in the first *analysis*, in which we observe the same things, with regard to the salt of this plant, as in strong distillations we observe of fossil salts, such as salt-petre and vitriol, which we very well know to be acid volatile salts, mixed with a proportional quantity of fixt salt and insipid earth, which serves as a kind of matrix to them. But, as the salts of plants are more compounded than fossil salts, we accordingly find the salt of our plant divided into three different parts; the first is that acid salt which passed through the neck of the retort along with the last parts of the plegm; the second is that volatile urinous salt, which passed partly with the last drops of the acid, partly alone, and partly with the foetid oils; the third is the fixed salt, which is separated from the earthy parts by lixiviation; and these three salts, being naturally joined together in the plant, compose its essential salt, which, as we have seen, crystallized in the second and third *analyses*.

The oil of this fruit, which in the second and third *analyses* is sweet, and of an aromatic smell, is in the first *analysis* considerably changed into a very acid and stinking oil, probably on account of a quantity of urinous and acid salts contained in the plant, which the violence of the fire has carried off at the same time, and mixed with the said oil, which salts, after passing through the neck of the retort, became volatile; whereas the salts yielded

yielded by the other two *analyses* were not so; and as fermentation naturally disengages volatile from fixed substances, we find in the third *analysis* a great deal of burning spirit, which is the most volatile part of the oil of our fruit, and which was separated from it by the least degree of heat.

We see, by the comparison we have made of the principles yielded by one and the same mixt body, in three different *analyses*, that these principles are always found in the same number, but different only in degrees of volatility and fixation, according to the fermentation and degrees of fire these compounded bodies have undergone, during their respective *analyses*. Besides, if to this we add the infinite combinations of more or less of these principles, the difference of which may be imperceptible by us in the *analysis*, we shall not be surprized to find two plants so different in taste, in smell, and in virtues, as the cabbages and deadly nightshade are, so much alike, and similar in their principles.

For these very reasons we may likewise easily comprehend, why one cannot, if I may use the word, recompose a mixt or compound body, by rejoining the principles into which it has been resolved by *analysis*: because the fire having changed their natural situation, and respective degrees of volatility and fixation, and having, even unavoidably, dissipated some part of them, these principles, being again joined together, are neither found in the same quantity, possessed of the same quality, nor arranged in the same manner they were in the compound body, before it was subjected to the *analysis*.

To convince myself further of this truth, I have mixed very simple principles, in order to compose certain bodies, which I afterwards subjected to *analysis*, and which yielded the several principles quite changed from what they were; for instance, the fixed lixivial salt and the expressed oil of plants, mixed together over a fire, compose a soap, which, among other principles, yields, in its *analysis*, an acid liquor, an insipid earth, and an urinous salt, which do not at all appear in the ingredients of which it is composed.

The mixture of an acid mineral, with the essential oil of an aromatic plant, composes a resin perfectly resembling that which flows from certain trees. This composition is only made up of two very volatile ingredients; and yet, upon an *analysis*, it yields all the four principles. It must indeed be owned, that upon the mixture of these two substances, so sudden and violent a fermentation arises, that a flame is often thence produced; and as we know, that in all fermentations, a separation is naturally made of the volatile from the fixed parts, there was no great difficulty in separating the one from the other in the *analysis*, though they did not appear such before the fermentation.

All these considerations and remarks shew us, that those *analyses*, in which only a great fire is employed, are not so proper to discover the principles and virtues of plants, as when, by a moderate heat and fermentation, we promote the separation of their component principles. *Hombert, Mem. de l'Acad. Roy. des Scien. 1701.*

From animal substances we obtain water, earth, a large quantity of volatile, urinous salt, a thick oil, very little fixed salt, and still less acid salt. The same substances, being boiled in water, yield a mucilage, or jelly, from which, by distillation, the principles already mentioned, may easily be obtained. But as most animal substances yield these in much the same manner, and as they appear very little, if at all different, in different animals, nothing can be determined *a priori*, concerning the medicinal virtues of particular animals from their *analysis*.

With regard to the *analysis* of mineral substances, the following experiment will be sufficient: Take two ounces of native cinnabar reduced to fine powder, and mix it with six ounces of quick-lime; put the whole into an earthen retort, distil into a basin of water, and a considerable quantity of running mercury will be found at the bottom thereof. The matter remaining behind in the retort, being boiled in a lixivium of pot-ash, and the solution precipitated with alum, a fine kind of brimstone, called *lac sulphuris*, will be procured; which will sublime into true flowers of brimstone, that may be melted, and run into a roll. This brimstone, being burnt in the

common method, under a glass bell, resolves into an acid liquor, leaving an unflammable, scurfy, terrestrial matter behind; which, being treated as an ore, sometimes affords a small portion of metal, either in iron or copper.

From this instructive experiment, if fully explained, we might derive considerable discoveries. It shews that a true running mercury may lie concealed in metallic ores, or strong earths; for native cinnabar is but an ore of mercury, consisting, as we see, of two different matters, sulphur and quick-silver; which are separable by distillation with quick-lime, or iron filings, and sometimes by long boiling in a strong alkaline lixivium.

We may further observe from the foregoing experiment, that, as common brimstone resolves itself into an acid liquor, and an earthy matter, we find that certain mineral or metallic substances will, by a proper *analysis*, afford the four chemical principles, viz. running mercury, sulphur, salt, and earth. But it is not supposed to hold universally, that all mineral substances should afford a running mercury upon their *analysis*, but only such of them as are properly metallic.

So far as the *analysis* of metals has been carried, it should seem that all metals contain a running mercury, fixed in them, as water is fixed in dry animal or vegetable substances; and joined with a sulphur, or an inflammable part, and an earth; with a little salt in some of them. The fossil salts resolve into a large quantity of acid, which is always united with some sulphur, and a small portion of earth. Most stones resolve into a large proportion of earth, and a small quantity of aqueous and sulphureous vapour. And earths resolve into a mere terrestrial substance, a little aqueous acid, and a small proportion of sulphur.

Upon the whole, therefore, we may conclude, that the five principles, water, earth, salt, sulphur, or oil, and perhaps mercury, are the true chemical principles of vegetable, animal, and mineral substances. We have not here taken notice of air as a chemical principle, notwithstanding it is found in all bodies; because there is no known method of fixing it, so as to render it tangible and corporeal. *Shaw.*

ANANAS, the pine-apple. There are several varieties of this fruit, some of which may have been obtained from seeds; and I doubt not but if the seeds were sown frequently, in the countries where they are in plenty, there may be as great a variety of this fruit, as there is of apples or pears in Europe. And this I have found true by some trials which I have made by sowing of the seeds, which have always produced a variety of sorts from those of the same fruit.

This fruit, (which is justly esteemed for the richness of its flavour, as it surpasses all the known fruits in the world,) is produced from an herbaceous plant, which hath leaves somewhat resembling those of aloe, and are, for the most part, sawed on their edges, but are much thinner, and not so juicy as the aloe: the fruit resembles the cones of the pine tree, from whence it is supposed to have its name.

Where this plant is a native, I believe is hard to determine; but it is probably an indigenous plant in Africa, where, I have been informed, they grow in uncultivated places in great plenty. They have been long cultivated in the hottest islands of the West-Indies, where they are in great plenty, and of extraordinary goodness; but have been many years in the European gardens, so as to procure fruit: the first person who succeeded in this affair, was Monsieur Le Cour of Leyden in Holland, who, after a great many trials, with little or no success, did at length hit upon a proper degree of heat and management, so as to produce fruit, equally as good (though not so large) as those which are produced in the West-Indies, as hath been often affirmed by persons who have lived many years there: and it is to this worthy cultivator of gardening, who did not spare any pains or expence to accomplish it, that all the lovers thereof are obliged, for introducing this king of fruits among them; and it was from him that our gardens in England were first supplied, though we have since had large quantities brought from America. I cannot here avoid taking notice of a common error which prevails amongst many people, which is, that the

the plants brought from America are not so good as those which came from M. Le Cour : but this is a great mistake ; for were the people, who send over these plants from America careful to send the best kinds, there would be found many better than those cultivated by M. Le Cour, who had his from thence at first, as his gardener assured me ; and I have seen as good fruits produced from American plants, as any I have yet seen ; and some three times larger than any I saw in M. Le Cour's garden.

The wine made of the *ananas* is almost equal to malmsey. At the end of three weeks it turns. But, if it be kept as many weeks longer, it becomes better than ever ; but is more heady. The *ananas* supplies also the physician with sovereign remedies. It exhilarates the mind, strengthens the heart and stomach, creates appetite, is good against the gravel and strangury, and is even an admirable antidote against poison.

The water distilled from it has the same properties ; but, as it works quicker, and is also very corrosive, it should not be used but by the prescription of the most prudent physicians.

The flavour of this fruit, when at its maturity, is so sweet, juicy, vinous, and refreshing, that it is eat with great pleasure in hot countries, notwithstanding the want of appetite.

It greatly helps digestion, by reason of its vinous and fermentative quality, which operates efficaciously in the dissolution of our food. It is esteemed, therefore, the best fruit that can be eat at the end of a meal. It strengthens a weak stomach, and creates an appetite. The sick are frequently cured with it, by using it with moderation, and according to the nature of their illness. It is, in a word, the most wholesome of all the fruits of the earth.

It is true, that there is in some sorts of the *ananas* a certain acidity, that is not very perceptible to the taste ; it makes the lips smart, especially of those whose lips are tender, and who are not used to this fruit : and, sometimes, it makes the gums of scorbutic people bleed.

The Javans give it a little green, in slices with sugar, to children, for the worms. To be the more efficacious, it must be a little green ; but in that state it is injurious to women with child. Persons in a fever, or under any inflammation, should avoid it, by reason of the severity of its ferment ; yet it is good to dissipate obstructions in chronic cases. It is very proper also to prevent the generation of the stone in the bladder, and perhaps to dissolve it in time. It is probable, that to the use of this fruit we may ascribe it, that the Indians are scarce ever troubled with the stone or gravel.

This excellent fruit makes part of the refreshment wherewith the Indians, and Africans near the line, entertain the European mariners, and barter it for toys and baubles, which they are fond of. And the Europeans are very glad to have a fruit, whose sight and taste are so very delightful to them, for trifles.

Those plants which shew their fruit early in February, will ripen about June ; some sorts are at least a month or five weeks longer in ripening their fruit than others, from the time of the appearance of the fruit : but the season in which the fruit is in greatest perfection, is from the beginning of May to the end of September ; though in March, April, and October, I have frequently eaten this fruit in pretty good perfection ; but then the plants have been in perfect health, otherwise they seldom are well flavoured.

The method of judging when the fruit is ripe, is by the smell, and from observation ; for as the several sorts differ from each other in the colour of their fruit, that will not be any direction when to cut them : nor should they remain so long as to become soft to the touch before they are cut ; for then they become flat and dead, as they do also when they are cut long before they are eaten : therefore the surest way to have this fruit in perfection, is to cut it the same day it is eaten ; but it must be cut early in the morning, before the sun has heated the fruit, otherwise it will be hot, observing to cut the stalk as long as possible, and lay it in a cool, but dry place, preserving the stalk and crown unto it, until it is eaten.

That sort with green fruit, if suffered to ripen well, is of an olive colour ; but there are some persons who cut them before they are ripe, when they are not fit to be eaten, for no other reason, but to have them green : and although many persons have much recommended this sort for its excellent flavour, yet the sugar-loaf sort is to be preferred to it.

This sugar-loaf sort is easily distinguished from all the other, by its leaves having purple stripes on their inside the whole length. The fruit is of a paler colour than the others when ripe, inclining to a straw-colour. This sort was brought from Brazil to Jamaica, where it is esteemed far beyond the other kind.

The next in goodness to this, is what the inhabitants of the islands in America call the Montserrat Pine ; the leaves of this are of a dark brown, inclining to purple on their inside ; the protuberances of the fruit are larger and flatter than those of the common sort. I raised several plants of this sort from seeds which I received from the island of St. Thomas, where this fruit is in greater perfection than any of the British islands.

As some of this fruit produce a good quantity of seeds in England, when the greater number have no appearance of any, so I doubt not whether there are not some with male, and others with hermaphrodite flowers ; because those fruits which have seeds are remarkably different from the others, when cut through the cells in which the seeds are lodged, lying nearer to the center of the fruit than the above cells, which are chiefly close to the rind ; but not having distinguished this difference till the fruit was cut, I had no opportunity of examining their flowers. *Miller.*

ANASTICA, *Rose of Jerico.* By Morrifon and Tournefort, this is placed under the *genus thlaspi*, or *treacle-mustard*, from which Linnæus separates it, on account of the figure of the seed-vessel, and its valves, which in this is blunt-pointed, bordered, and crowned, and the valves open and oblique to the style.

This plant grows naturally on the sands near the borders of the Red-Sea, and in many parts of Syria. It is a low annual plant, dividing into many irregular woody branches near the root ; at each joint is placed a single, oblong, hoary leaf, and at the same places come out small single flowers of a whitish-green colour, composed of four small leaves, placed in form of a cross, like the other plants of this class. These are succeeded by short wrinkled pods, having four small horns ; these open in two cells, in each of which is lodged a single brown seed.

It hath had the epithet of *rosa Mariæ* given to it by the monks, who have superstitiously supposed that the flowers open on the night that our Saviour was born. But the truth is, that the dry woody plant being set for some time in the water, will dilate and open so as to disclose the seed-vessels and seeds. This I have seen done when the plants have been many years gathered ; so that there are several curious persons who preserve them in their repositories of curiosities, for the singularity of this property.

ANATA, or ANNOTTO, a sort of red dye brought from the West-Indies. It is made of red flowers, which grow on bushes, or shrubs, seven or eight feet high. It is thrown, like indigo, into large tubs, or cisterns, full of water, with this difference, that nothing but the flower is used, the leaves of which are stripped off, as is done with regard to roses. These remain in the water till they are rotten ; and when, by much stirring, they are reduced into a thick liquid substance, it is exposed to the sun to dry, and afterwards made into rolls, or cakes.

There are none but the Spaniards who now cultivate this plant, and prepare the dye in any quantity, the plantations thereof which the English of Jamaica had at St. Angel's being ruined. The English dyers make more account of this drug than of indigo ; and accordingly the merchants of Jamaica, who have it from Porto-Rico, buy it 25 *per cent.* dearer ; for they pay but three rials per pound for indigo, and four for *anata*. The Europeans who trade in this drug have, at present, the greatest part of it from the bay of Honduras.

ANATOCISM. This word is but very little used in trade; however, as it sometimes occurs, it was thought proper to mention it. It signifies the taking of usurious interest for the loans of money. This is when the lender extorts compound interest, or joins and accumulates together the interests of several years, and requires a new interest to be paid for them, as for the first and true principal.

ANATOLIA, or ASIA MINOR, is bounded on the north by the Euxine-Sea; on the north-west by the sea of Marmora; on the west by the Thracian Bosphorus, the Propontis, and Archipelago; on the south by the eastern part of the Mediterranean; and, on the east, by the Euphrates, which divides it from Turcomania and Diarbeck, or Diyarbeckr. It is divided into four parts, viz. I. *Anatolia, properly so called*, on the western. II. *Caramania*, on the southern. III. *Aladulia*, on the eastern; and, IV. *Amasia*, on the northern part. This whole country is naturally rich and fertile, though the Turkish tyranny hath almost reduced it into a desert. The few plains and dales that are cultivated, though after the Turkish method, in a careless, slovenly, and artless manner, do yet yield excellent corn of several sorts, fruits of all kinds, exquisite grapes and wines, the fairest olives, citrons, lemons, oranges, figs, dates, &c. besides abundance of coffee, rhubarb, balsam, opium, galls, and other valuable drugs and gums. To which we may add their twisted cotton, silk, program, yarn, goats-hair, carpets, and tapestries, calicuts, cordovans of several colours, and quilted coverlids, which are brought into Europe from thence.

I. *Anatolia, properly so called*, is divided into the following districts: 1. Bithynia. 2. Mysia. 3. Æolis. 4. Ionia. 5. Caria. 6. Doris. 7. Lydia. 8. Phrygia. 9. Galatia. 10. Paphlagonia.

I. **BITHYNIA**, the nearest province to Turkey in Europe, is parted from it by the small streight, called the Thracian Bosphorus. Prusa, called by the Turks Bursa, still preserves a great share of its ancient opulence; though some say that its traffic is much decayed, and the great concourse of merchants so much lessened, that the place is going to ruin: but this seems to be a mistake, since there is a caravan that goes every two months from thence into Persia; besides its being a stage for several others that go from Aleppo, Constantinople, &c. to Isfahan.

The bethstine is a large edifice, well built, and filled with warehouses and shops, which exhibit to sale all kind of merchandizes, which are brought hither from the Levant, besides those which are manufactured in the city itself. It is well known that the Bithynian silk, which is by far the finest in all Turkey, is, for the most part, manufactured here; besides a great deal which is brought hither from Persia, which, though much inferior in fineness to theirs, is yet wrought in great quantities by the Prusan workmen, who are allowed to be the best in all Turkey for weaving of hangings, tapestry, carpets, &c. which are from thence carried into all parts of Europe, and are there in great request.

Nice, called by the Turks *Isnich* and *Nisbar*, though much fallen from its ancient grandeur, hath a convenient haven on the sea of Marmora, over-against Mesampola. The country about it affords very good fruits, and excellent wines. It contains about 10,000 inhabitants, including Greeks, Armenians, and Jews, as well as Turks, who all drive a considerable commerce in corn, fruit, fine cloth, tapestry, and other Levantine manufactures.

Nicomedia, by the Turks called *Isfina* and *Isfimgimid*, is a large and populous city, with rich and beautiful bazars, or warehouses, markets, halls, and other public edifices. It is situate on a fruitful and delicious hill, the corn, wine, and fruits that grow thereon being reckoned inferior to none in Turkey. It is computed to contain about 30,000 inhabitants, Turks, Jews, Greeks, and Armenians, all driving a considerable traffic in manufactures of silks, cottons, woollen and linnen cloths, earthen ware, and glass of all sorts, which make it one of the most trading cities in these parts. Besides all these, the greatest part of the saics, barques, and other trading vessels belonging not only to this city, but even

to the merchants of Constantinople, are built here.

Chalcedon was once a city of great traffic and opulence; but now is dwindled almost to nothing.

2. **MYSLA and Lesser PHRYGIA**, have the Propontis for their northern boundary: the Hellespont on the west; Phrygia Major on the east; and Lydia and the Archipelago on the south.

The Marmora islands abound with corn, wine, fruits, cotton, and pasture-grounds, whereon are bred great quantities of cattle. Præconessus, the largest of them; is famed for its marble quarries.

Lampascus, now *Lampasco* was formerly celebrated for the excellent wines it produced; and the territory about it is still covered with fine vines and pomegranates, which the Turks cultivate under pretence of preserving the raisins; but, in fact, make good wine and brandy of them.

3. **ÆOLIS** has Phrygia Minor on the north; the Ægean, or Æolian sea on the west; Ionia on the south; and Lydia on the east. Nothing occurs here under the article of trade.

4. **IONIA**, is the next province to Æolis, about the boundaries of which geographers differ. Its only considerable city is the following:

Smyrna, by the Turks called *Ismyr*, is one of the finest ports in the Levant, being situated at the bottom of a bay capable of containing the largest navy in the world; and, by its general and flourishing trade, being one of the greatest and richest cities in the Asiatic Turkey. The commodiousness of its harbour hath rendered it the common rendezvous of the greatest mercantile shipping in all the four parts of the world, and the staple of their merchandize.

It was very considerable in the time of the Romans, and hath been all along famed for its great commerce with all nations, especially the English, many of our considerable merchants residing in it, and having a consul to protect them.

This city is reckoned to contain 15,000 Turks, 10,000 Greeks, near 2000 Jews, besides Armenians, Franks, &c. The Persian caravans pour in their merchandizes all the winter months; that is, from the beginning of November to that of May, consisting, *communibus annis*, of about 2000 bales of silk, besides other cloths of linen, cotton, &c. drugs, gums, &c. From England, France, Italy, and Holland, are imported cochineal, indigo, Brazil-wood, Campeachy-wood, copperas, spices of all sorts, tartar, vitriol, paper, tin, steel, enamel; all sorts of cloths, furs, Delft and Ancona-ware, and a great quantity of other commodities. From thence, in return, is brought Persian silk, mohair, cotton, fine and coarse wool, wax, gall-nuts, rhubarb, opium, scammony, aloes, tutty, galbanum, tacamahac, gum-tragacant, ammoniac, arabic, myrrh, frankincense, zedoar, cassia-munair, &c. besides great variety of tapestry.

The whole traffic is here, as well as in all Turkey, managed by the brokerage of the Jews, the Turks never transacting any bargains with Christians in any case; but leaving it to those subtle brokers, who make a great hand of it, and are all wealthy, and live very handsomely, and some of them splendidly by it. The whole town is a continued bazar, or fair, where nothing that can be wished for is wanting, either for clothing, sustenance, or pleasure; because all the best commodities of Asia and Europe are brought hither, and sold at cheap rates.

The territory about Smyrna is very fertile, with fine olive-trees and vines; and the wine made here is excellent. The consuls of England, France, and Holland, live here in a very stately manner.

5. **CARIA** is bounded on the north by Ionia and the river Mæander: on the east by Great Phrygia and Lydia; and, on the south and west, by the Icarian sea.

6. **DORIS** projects into the sea, and is surrounded by it on all three sides, and is only joined to Caria on the north. It hath the island of Scio, or Cos, and that of Rhodes, on the south and south-west.

7. **LYDIA**, alias *Mæonia*, borders to Phrygia on the east, Mysia on the north, and to Caria on the south; but its limits, strictly speaking, lie between Æolis on the south-west, Mysia on the north-west, Caria on the south, and Phrygia Major on the east. In this province is the river

river Pactolus, famed for its golden sands, and mountain Tmolus, celebrated for its saffron and excellent wines.

The country round *Thyatira*, called by the Turks *Akisher*, is covered with cotton-trees and corn-fields, and a part of it, though uncultivated, with tamarisks. Here are some inferior workmen in the cotton-work, which is the chief manufacture of the place.

Magnesia ad Sipylum, called by the Turks *Surleteffar*, is reduced, from a once large and populous city, to an ordinary trading town, and subsists chiefly on the manufacture of cotton-yarn.

Laodicea, once one of the most considerable trading towns of Asia, especially for the exchange of money, is now nothing but a vast heap of ruins.

Dinghisly is large, and well-peopled, and drives a considerable trade.

8. PHRYGIA Major, has Pamphylia on the south; Mysia on the west; Bithynia on the north; and Galatia on the east. This country would be vastly fruitful, if well cultivated.

Cotyeum, now *Chiutaia*, is a large, populous, and flourishing town.

Synada, was anciently much famed for its fine marble, which was of a beautiful white, spotted with red and purple, and of great price.

9. GALATIA, by the Turks now called *Chiagare*, hath Phrygia Major on the west; Paphlagonia on the north; Pamphylia on the south; and Cappadocia on the east. This country was anciently esteemed a rich, fertile one, and was famed for producing the amethyst stone in great quantities.

Ancyra, called by the Turks *Angouri*, formerly the capital of Galatia, and a noble city, is still a populous, trading place, chiefly in camblets, and such light stuffs.

The city of *Aphion*, or *Apbium*, has its name from the quantities of opium which are made in and about it, the whole territory producing great crops of poppy, from which that excellent drug, called by the Turks *aphion*, is extracted.

10. PAPHLAGONIA, by some made a part of Galatia, together with Pontus, lies on the north of Galatia, and is divided on the east from Cappadocia by the river Halys, and on the west by that of Parthenius. At present it is called, in the Turkish, the country of *Pender*, or *Boli*.

Heraclaea Ponti, now *Penderachi*, or *Eregri*, is quite sunk from its ancient splendor and commerce.

Amastris, now *Amastro*, from being a famed sea-port, under the Roman and Greek empires, is now dwindled to nothing, by reason of the loss of its commerce.

Teuthrania, now *Tripoli*, is still a good port-town.

Sinope, now *Sinabe*, is at present a place of good trade, and maintains a very profitable fishery. The country about it is fertile, if it was well cultivated; witness the many olive-trees of considerable bigness that grow in it. Strabo long since observed, that, in all the coasts from this city quite to Bithynia, there grew great numbers of trees, such as olive, maple, and walnut, with some of which the inhabitants used to build ships; and of others, such as the maple and walnut, they made fine tables, cup-boards, and other utensils. The same is done at present, except that, instead of tables, which the Turks do not use, they make sofas, and other sorts of flooring, wainscoting, and other household ornaments.

Junapolis, now *Cincopolis*, formerly a good trading town, is now quite inconsiderable. See AMASIA, and ALADULIA.

ANATRON, or NATRON, a kind of native salt, extracted from the water of the Nile, by evaporation and crystallization.

This was probably the nitre of the ancients, and is rarely found in Europe. It is a little acrid and alkaline to the taste.

There is also an artificial *anatron*, called *anatron factitium*; it is composed of ten parts of salt-petre, four parts of quick-lime, three parts of common salt, two parts of roach-alum, and two parts of vitriol: dissolve those ingredients in wine, and boil the dissolution; then strain it, and evaporate it to the consistence of a salt. It is used as borax to purify metals, and to put them in fusion. *Lemery*.

ANATRON sometimes signifies the gall of glass, or the spume cast up by the matter of which the glass is made. That scum which appears variegated with divers colours, especially with grey, white, brown, and blue, contains a kind of salt proper to fatten sheep, and which is also given to pigeons. When it is reduced to powder, and left exposed to a moist air, a part of it dissolves, and the remainder that is found coagulated at the bottom of the vessel, differs but little from common salt.

ANCHOR, an essential material belonging to a ship. It is a very large and heavy iron instrument, with a double hook at one end, and a ring at the other, by which it is fastened to a cable. It is cast to the bottom of the sea, or rivers, where taking its hold, it keeps ships and vessels from being drove away by the wind, tide, or currents.

The parts of an anchor are, 1. The ring, to which the cable is fastened. 2. The beam, or shank, which is the longest part of the anchor. 3. The arm, which is that which runs into the ground. 4. The flouke, or fluke, by some called the palm, which is that broad and peaked part, with its barbs, like the head of an arrow, which fastens into the ground. 5. The stock, a piece of wood fastened to the beam near the ring, serving to guide the fluke; so that it may fall right, and fix in the ground.

There are several kinds of *anchors*. 1. The largest is called the *sheet-anchor*, and is never used but in violent storms, to hinder the ship from being drove a shore. 2. The two *bow-anchors*, or bowers, which are less, and are used for ships to ride in a road, or harbour. They are also called the first and second bower, or best and small bower. 3. When a vessel is to be brought up or down a river by the winds, though the tide be contrary to it, the seamen set their fore-fail, fore-top-fail, and mizen-fail, and let her drive with the tide. If she comes too near the shore, they have a little *anchor* ready, which is called the redger, or *redgo-anchor*, with a hawser fastened to it from the ship; and this they drop in the middle of the current, by which means they wind her head about; after which they take up the *anchor* again. 4. The *stream-anchor* is a small *anchor*, made fast to the stream-cable, for a ship to ride by in gentle streams, and in fair weather. 5. The grapnel, is an *anchor* for a small ship or boat.

Merchants, traders, and others, who fit out ships for sea, cannot be too careful with regard to the goodness of *anchors*, since upon them chiefly depends the preservation of ships and cargoes, and even the lives of all those who are on board.

They ought, therefore, to take care that the iron, of which the *anchors* are made, be neither too soft, nor too brittle, both these defects being very dangerous. If the iron be brittle, the *anchor* is apt to break; and if it be too soft, the *anchor* will bend. In order to make *anchors* of a good quality, it is sometimes the practice to conjoin the brittle iron with soft and tough iron; and, for this reason, the Spanish or Swedish iron ought to be preferred, and united together, the former being soft, and the latter brittle.

Aubin, in his Marine Dictionary, observes; that the *anchors* of a large vessel are made smaller in proportion than those of a small vessel. The reason of which, says he, is, that though the sea exerts an equal force against a large ship as against a small one, supposing that they both have an equal extent of wood in the water, which gives room to the water to act equally against an equal extent; yet the small vessel, on account of its lightness, has not the same strength with the great one, to resist the force of the water, which must be supplied by the weight of the *anchor*.

From these, and other hydrostatic principles, which are not necessary to trouble the generality of traders with, the following table has been formed; wherein is shewn, by means of the ship's breadth within, how many feet the beam, or shank, ought to be long, giving it four tenths, or two fifths of the ship's breadth within; by which proportion may be regulated the length of the other parts of the *anchor*. In this table is represented likewise the weight an *anchor* ought to be for a ship from eight feet broad to forty-five, increasing by one foot's breadth.

Fact.

Feet.	Feet.	Weight.
8	3 $\frac{1}{5}$	33lb.
9	3 $\frac{3}{5}$	47
10	4	64
11	4 $\frac{2}{5}$	84
12	4 $\frac{4}{5}$	110
13	5 $\frac{1}{5}$	140
14	5 $\frac{3}{5}$	175
15	6	216
16	6 $\frac{2}{5}$	262
17	6 $\frac{4}{5}$	314
18	7 $\frac{2}{5}$	373
19	7 $\frac{4}{5}$	439
20	8	512
21	8 $\frac{2}{5}$	592
22	8 $\frac{4}{5}$	681
23	9 $\frac{1}{5}$	778
24	9 $\frac{3}{5}$	884
25	10	1000
Breadth of } 26	Length of } 10 $\frac{2}{5}$	Weight
the vessel } 27	the anch. } 10 $\frac{4}{5}$	
28	11 $\frac{1}{5}$	
29	11 $\frac{3}{5}$	
30	12	
31	12 $\frac{2}{5}$	
32	12 $\frac{4}{5}$	
33	13 $\frac{1}{5}$	
34	13 $\frac{3}{5}$	
35	14	
36	14 $\frac{2}{5}$	2986
37	14 $\frac{4}{5}$	3242
38	15 $\frac{1}{5}$	3512
39	15 $\frac{3}{5}$	3796
40	16	4096
41	16 $\frac{2}{5}$	4426
42	16 $\frac{4}{5}$	4742
43	17 $\frac{1}{5}$	5088
44	17 $\frac{3}{5}$	5451
45	18	5832

The inhabitants of the island of Ceylon use large round stones instead of *anchors*. And, in some other places of the Indies, the *anchors* are a kind of wooden machines, loaded with stones. Some pretend that vessels fastened with those sorts of machines keep steadier than those that have iron *anchors*, or only a stone.

ANCHOR is also a measure of brandy, &c. containing ten gallons.

ANCHORAGE, a duty taken of ships for the use of the haven where they cast anchor. *MS. Arth. Trevor. Ar.* The ground in ports and havens belonging to the king, no person can let any anchor fall thereon, without paying therefore to the king's officers. *Covel. ed. 1727.*

It signifies also a duty which masters of merchantmen pay in several ports of France to the king, or the admiral, for the liberty of anchoring in those ports. This duty is not reckoned part of the average; and insurers of ships are not bound to make it good. It is due, and paid by the masters of ships, according to the ordinance of the marine made in the year 1681.

ANCHOR-Smith. The *bolt* and *anchor-smith* requires no great share of ingenuity, and only the common education of a mechanic; viz. reading, writing, and arithmetic. Great strength, however, is absolutely necessary. This is a laborious and profitable branch of the smith's business. The youth may be put apprentice to it for about 10l. and, when out of his time, if he is a good hand, and can bear the fire, may earn a guinea a week and upwards; and in this business a master may set up with 500 l. and employ in it more than 2000 l.

ANCHOVY, the name of a small sea-fish common in the Mediterranean. This fish is about the length and thickness of one's finger; they fish for it in several parts near Genoa and Provence. They generally swim in shoals, and will run towards a fire, when they see it, which is therefore used as a snare to catch them. They are pickled with salt, after their heads are cut off, and guts taken out, and kept in barrels.

The *anchovy* is much used in several parts of Europe, mixed with sauces, for the excellency of its taste; it

helps digestion, and fortifies the stomach with its volatile and saline principles, which cause a gentle and moderate heat in that part, and disperse and attenuate the aliments contained therein. In the mean time, if it be used to excess, it very much rarifies the humours by the principles above-mentioned, and so produces ill effects.

Lemery.

Anchovies should be chosen small, fresh pickled, white on the outside, and red within. They must have a round back; for those that are flat or large, are often nothing but *sardines*. Besides these qualities, the pickle, on opening the pots, or barrels, must be of a good taste, and not have lost its flavour.

ANCHUSA, or ALCANNA, *alkanet*, purple flowered *alkanet*, C. B. *Alcibiadon*. The root only of this plant is used, and there are two kinds of it mentioned by authors: one is brought from the Levant, and the other from Italy and France: the latter is here designed, and therefore shall be alone taken notice of: the former is not known in our shops. The root in use is of a red colour without, and white within, with little blue heads; and being rubbed on the hand, tinges it of a vermillion colour. As the colour, for the sake of which it is used, lies in the bark, the smaller roots are to be preferred: they should be chosen new, clean, dry; yet so pliable as not to be brittle. *Pomet and Lemery.*

The root is astringent, and proper in hæmorrhages of all kinds. Apothecaries use it to colour their ointments, particularly the *unguentum rosatum*; but for this purpose it must be boiled in oil, for it does not readily communicate its tincture to water. *Geoffrey.*

ANKER, a liquid measure, chiefly in use for wine and brandy in France and Holland. The *anker* contains sixteen gallons wine measure.

ANCONA, a marquise in Italy, is bounded on the north and east by the Adriatic sea, and by the Abruzzo and Umbria, and the dutchy of Urbino, on the west. Its soil is fertile, and its chief manufactures are flax and wax, which are whitened here to great perfection.

The city of *Ancona*, standing on the Adriatic shore, over-against Dalmatia, is very conveniently situated for carrying on a traffic into all the countries on the opposite shore. It was anciently very famous for it, and flourishing; but is very much decayed, since Venice has ingrossed all the trade of this sea. However, Pope Clement XII. by a decree, dated February 16, 1732, erecting it into a free port, has endeavoured its recovery. The harbour is a very good one, and, though built by the emperor Trajan, the marble of it looks as fresh as ever. The trade at present chiefly consists in silk stuffs and dressed leather. The Jews are almost the only people that carry on the business here, which greatly enriches them. They have built themselves a very stately synagogue.

There is no money coined in this city; but all foreign coin is received there upon the foot of the Spanish pistole, which is reckoned worth thirty-one julios; the julio, at the rate of seven fols, one denier and one sixth, French money (about three-pence English) the pistole at the rate of eleven livres, and the crown at the rate of sixty fols.

GOLD COIN.

The Spanish pistole	31 julios.
The pistole of Italy	30
The new sequin	19
The old sequin	18
The Hungarian sequin	17

Most of the ships bound for the ports of the Levant take off those last species at *Ancona*, for which they give the bankers, or money-changers, a profit of $\frac{1}{8}$, $\frac{1}{6}$, $\frac{1}{4}$, $\frac{1}{2}$, and even to $\frac{3}{4}$ julio, according to the scarcity of the species they want, or the greater or lesser occasion they have for them.

As to other coins, the evaluation is as follows:

OTHER COIN.

The Roman crown	10 julios.
The julio	10 bayoccos.
The bayocco	4 quadrins.

Of WEIGHTS and MEASURES.

The pound weight at *Ancona* is but 9 ounces and $\frac{3}{4}$ of the Paris pound; so that 100 pounds weight of the former make but 60 of the latter. Their gross weight is a quintal of an 100lb. and makes about 73lb. weight of London.

The length of the *bracciata*, or fathom, is 1 foot 11 inches and 6 lines of the royal foot at Paris; so that 100 fathoms at *Ancona* make about 54 ells of Paris, and 100 ells or auns of Paris make 128 yards $\frac{1}{2}$ of London.

Their measure for linen and woollen is the *bracco*, and is about 27 $\frac{1}{2}$ inches of London.

Their monies and exchanges in general being the same as at Rome, we refer to that general head for an ample account thereof.

The erecting of the port of *Ancona* into a free port, by a decree of pope Clement XII. dated February 16, 1732, extracted from the supplement *au Corps diplomatique du Droit des Gens*, tom. ii. part. 2. art. 154.

By that decree, his holiness abolishes and suppresses all duties, imposts, and taxes, which used to be paid till then in the said port and city, and bestows upon them the following privileges:

1. Commanders and masters of ships, and merchants of all nations, shall freely enter the port of the city with their vessels and effects, to trade and dispose of them there as they shall think fit, either by wholesale or retail, and shall afterwards have liberty to depart from thence in perfect safety.

2. In order to remove all apprehensions merchants might be under of being detained too long, in case any dispute should arise concerning their merchandizes, his holiness consents that the consuls of merchants should take cognizance of the matter, and confirms all the privileges formerly granted to them, to enjoy them after the same manner as the consuls do in the Levant and in Portugal; and for the greater ease of the merchants of the Levant, or of Portugal; and that they may not lose their time or their money before other tribunals, in case they be not satisfied with the sentence of their own consuls, his holiness orders that they shall bring no appeal but to the consularship of merchants, to whose sentence they shall be obliged to submit.

3. The merchants and workmen, who shall settle in the said city, shall be free, during ten years, of all taxes called *bene stante*, (or taxes upon land, as is said in Savary; but it should rather be taxes upon people in good circumstances) and of all duties of importation of foreign wine and oil for their own use and consumption.

4. All ships laden with merchandizes that shall land in the port of *Ancona*, shall have liberty to sell and negotiate them to the best advantage; as also to unload their effects, and lodge them in the common warehouses of the city, and to fend them out of the town by water, without paying any duty or impost, except with regard to grain and *masserizie*, or household goods and furniture from foreign countries, which shall not be imported without a special licence.

5. To prevent all disorders with respect to merchandizes already prohibited, as woollen cloth, silk, brocades, laces of gold, silver, silk, or thread, &c. and others, the importation of which into the state of the church might be prohibited hereafter, his holiness commands that it shall be free to export them out of the said city, and for that purpose a place shall be appointed, where they may be safely kept till the ships be ready to export them out of the dominions of the church, or to such other places where they shall not be prohibited; and, for the said warehouse-room, there shall be paid only five *bayecos* for a cart-load of the said merchandizes, which shall be freely carried out of the harbour, without paying any duty or impost.

6. The lazaretto, or pest-house, of *Ancona*, shall be thoroughly cleaned, and the inspectors of health shall take all possible care of the public security.

7. No person shall perform the office of a broker without being first examined, and procuring a certificate from the consuls, and the number of brokers shall be fixed.

8. For the encouragement of all traders, and pre-

venting all disputes among them, his holiness orders that the effects that shall have been sold, or negotiated, in the free city and port of *Ancona*, shall be immediately subject to the usual and public duties, by paying the small tax above-mentioned, without any alteration; which is to be understood, both with regard to the effects exported by water, and to those imported or exported by land.

9. There shall be people appointed on purpose to pack and unpack the merchandizes, whose salary shall be fixed.

10. The duty of anchorage for all vessels entering the free port of *Ancona* within the following district, namely, from the point *di Falconara*, in a strait line to the rock *della Volpe*, whether those vessels be loaded, or only in ballast, and from what place soever they come, shall be as follows:

	<i>crow.</i>	<i>bayoc.</i>
For small vessels, sailing in the gulph of Venice, of the bulk of 50 migliaia, or 75 rubbia	0	50
For larger vessels, in proportion to their bulk, to 200 migliaia, or 300 rubbia	2	0
For small vessels, sailing without the gulph, of 50 migliaia	1	0
For larger, in proportion, to 200 migliaia	4	0
For all other large vessels sailing both within and without the gulph, namely, ships, patachias, flutes, brigantines, pinks, and other such vessels, of 200 migliaia, or 300 rubbia	5	0
For those of 300 migliaia	10	0
For those of 450 migliaia.	15	0
For all larger ships	20	0

11. The captains or masters shall, on their arrival, declare to the *casto rallo* (or register), or to his clerks, the quality and quantity of the effects they have on board, the persons to whom they are directed, for the sake of preventing all disorders, particularly with regard to prohibited goods.

12. All captains and masters are forbid to unload any ballast, or to throw any dirt in the harbour, under the penalty of 200 crowns; and a place is appointed where ballast may be cast.

13. According to the custom practised in all ports, the vessels which shall lie in that of *Ancona*, shall be obliged to provide themselves with biscuit, salt, flesh, wine, &c. as they shall have occasion for.

The erecting of *Ancona* into a free port, was looked upon with an evil eye by the Venetians; because it draws thither the merchants from the Levant, and from the north, who were used to go to Venice.

The other principal places of trade in the marquise of *Ancona*, are,

The city of *Loretto*, whose whole traffic consists in pilgrims staffs and dresses, crucifixes, images, beads, medals, &c. and is very considerable, on account of the vast confluence of strangers thither.

Recanati is reckoned a good trading city, and has a fair in September, which lasts fifteen days.

The city of *Tolentino*, likewise, is much resorted to by merchants of all sorts, on account of its fairs.

ANCONY, in iron works, signifies a bloom, wrought into the figure of a flat iron bar of about three feet long, with two square rough knobs, one at each end, which are afterwards to be wrought at the chafery.

ANDALUSIA, a province in Spain, is divided on the north from Estremadura and New Castile by the chain of mountains, called Sierra Morena; on the east from Portugal by the river Chauca, and from Algarve by the Guadiana; on the south it hath the ocean, the mouth of the straits of Gibraltar, and part of the Mediterranean; and along the south-east it hath the kingdom of Granada.

No part of Spain exceeds this in wealth and fertility, in commerce from without, and plenty of every thing within themselves; the former is owing to their maritime situation, and commodious harbours; the latter to the richness of their country, and the number of its inhabitants; the surprizing quantities of wheat, wines,

and oil it produces, is almost beyond credibility; and we have been well informed of one single town which hath been known to make 75,000 pipes of wine, and the same quantity of oil in a year. They abound also with numberless cattle throughout the whole province.

It is also needless to mention the so well known exquisite oranges, citrons of Seville, and fine raisins, almonds, figs, pome-granates, &c. that are the natural growth of this province. Here is likewise a great plenty of curious white salt, the best of sugar, fine scarlet berries for dying, and, in a word, every thing that can make a country wealthy and delightful.

They have also rich mines of gold, silver, and rich metals, which have been wholly neglected since the discovery of America. Nor should we omit their most celebrated breed of horses, so famous in all ages and nations; for it is certain, that those of the river Guadalquivir, or the famed Bœtis of the ancients, have always exceeded all other parts of Spain for the finest and fleetest; and the city of Cordova still retains its ancient reputation, for being the best breeder of that noble and useful creature. For SEVILLE, CADIZ, and GIBRALTAR in this province, see them under their respective heads.

Cordova is the next city in dignity to Seville in this province. It stands on a fertile and delicious plain, at the foot of one of the mountains of Sierra Morena, and in a pleasant wholesome air. Besides the extraordinary fruitfulness of its soil round about, which supplies it with plenty of the best wheat, wine, oil, fruits, and every thing that can render it delightful and opulent, it carries on a great variety of trades and manufactures, and particularly the woollen and silken of the finest kind, and in very great perfection; and also that of a curious gilt leather, in great request there, as well as in foreign countries.

But, above all, it is famed for its fine breed of horses, which are reckoned the most fleet and mettlesome, as well as the best disciplined and most warlike in Europe.

Xeres de la Frontera is another city in this province, seated on the banks of the little river Guadaleta, about six miles from the sea, and about fifty fouth from Seville. Its territory is so rich and fruitful, that, besides vast quantities of wheat, fruit, cattle, and provisions of all sorts, it yields annually 60,000 pipes of the wine we call sherry. It has likewise been reckoned to breed in those plains about 2000 horses every year, till of late.

Ezija, or Eijja, seated on the Xenil, a little above where that river falls into the Guadalquivir, and on a fertile and delightful plain, produces immense quantities of corn, wine, oil, silk, and especially cotton and fine horses.

San Lucar is a city and port situate at the mouth of the Guadalquivir, forty-five miles below Seville, and serves as a port to that celebrated city, and is well known throughout Europe; but was much more considerable before the Spanish and West-India fleets were allowed to set out from, and return to, Cadiz.

Lucena is as deliciously seated as any city in Europe, no spot of ground producing greater plenty of generous wine, fine oil, and choice provisions than this territory doth.

These are the chief cities in this province of Spain, which are any thing remarkable for trade: and as the others abound in the like productions, it is needless to mention them.

ANDERAB is the most southern city of all the Great Boucharie, separating the territories of the great mogul and Persia from Tartary; it is by this place, that whatsoever is brought in, or carried out of the country, to or from the states of the former, must necessarily pass: and there is in the neighbourhood of *Anderab* rich *lapis lazuli*, with which the Boucharies carry on a considerable trade, with the merchants of India and Persia.

ANDIRA, or ANGELYN, a tree of Brazil, the wood of which is hard and fit for building. Its bark is of an ash-colour, and its leaves are like those of laurel, but smaller: it produces blackish buds, from which arise a great many blossoms in a cluster, which are odoriferous, and of a fine purple and blue colour. Its fruit is of the size and figure of a hen's egg; it is green at first; but becomes black by degrees, and has a future, or seam, on

one side: it is extremely bitter, and has a very hard shell; and in the inside there is a yellowish seed, or kernel, of a bad taste, something bitter, and astringent.

That kernel, being pulverized, is given for killing worms, but the quantity taken must be less than a scruple; for they say it would be a poison, if too much of it was taken.

The bark, the wood, and the fruit of this tree, are as bitter as aloes; and herein it differs from another *andira*, which is like it in all respects, excepting its taste, which is insipid. The wild beasts eat of its fruit, which makes them grow fat.

ANEE, or ASNEE, a corn measure in France, containing six bushels.

ANEGRAS, a measure for corn used at Seville and Cadiz in Spain. Four *anagras* make a cahis; four cahis make a fanega; and fifty fanegas the last of Amsterdam. See *weights and measures under the articles of Spain and Holland, reduced to the English standard.*

ANEMONE, in botany, a plant, of which there are two species, the cultivated and the wild.

Each of these species is subdivided into several others, but especially the former, which is carefully cultivated in gardens for the beauty of its flowers. The wild *anemone* grows in rising grounds, and mountainous places. Both species of this plant contain a great deal of salt and oil. This plant is deterfive, aperient, inciding, vulnerary, and defficative; but is generally only used externally, in errhines and collyriums, for ulcers of the eyes. *Lemery.*

There are a great variety of these flowers in the gardens of the curious, which have been obtained from seeds: these differ in their colour, and the size of the flowers; and are accordingly distinguished by the florists: but as these are only accidental varieties, arising from the seeds of the same flower, they are not esteemed real differences by botanic writers, who only mention the broad and narrow leaved sorts as two distinct species.

These flowers grow naturally in the islands of the Archipelago, and in several other parts of the East, where the borders of the fields are bedecked with them in the spring, making a very gay appearance during their continuance in beauty. From thence the roots have been transplanted into the gardens in Europe; and from their seeds the great variety, which is at present to be found in the gardens of the curious, as has been observed. These flowers are in beauty in April and May, and the seeds ripen in July.

ANEMOSCOPE, a machine contrived to foretel the changes of the wind.

The *anemoscope* of the ancients, as described by Vitruvius, seems rather an instrument to shew which way the wind actually blows, than to foretel its changes.

Wolffius, in his *Mathem. Lexicon*, speaks of an *anemoscope*, consisting of a little wooden man, which, by its rising and falling in a glass tube, shews the changes of the weather and the alteration in the gravity of the air, which was the invention of Otto Guericke, who made a secret of it, which he would not discover. But at length Mr. Comiers, professor of mathematics at Ambrum, published the secret in the *Acta Eruditorum*, anno 1664; where he observes that the *homunculus* is raised up and down by the rising and falling of the mercury in the barometer.

ANETHUM *Offic. Ger.* 878. *Raii Hist. I.* 415. *Tourn. Inst.* 318. *Boerb. Ind. A.* 65. *Dill.*

This plant, both in root, stalk, and leaf, very much resembles common fennel, except that it seldom grows so tall, or so much branched; it bears yellow umbels of flowers, after which come seeds rounder, broader, and flatter than those of fennel. The whole plant is of a strong scent, less pleasant than fennel. It grows in gardens, and flowers and seeds in July and August. The leaves and seeds are used.

Officinal preparations from *dill* are only the *oleum anethimum*, made by infusion and gentle coction of the leaves and tops in oil. *Miller.*

ANGEL, is the name of an English gold coin; so called from having the figure of an angel impressed upon it.

This piece has been of different values; for in the first of Henry VI. it passed for 6s. 8d. in the first of Henry VIII. for 7s. 6d. in the 34th of Henry VIII. for 8s. and in the sixth of Edward VI. for 10s. At present, it is only an imaginary sum, or money of account, implying 10s.

ANGELICA, in botany, the name of a plant, of which Dale enumerates four species; but that generally used in physic is the

Angelica Offic. Chab. 400. *Ger.* 846. *Raii Hist.* I. 434. *Boerb. Ind.* A. 53. *Angelica.*

This is one of the greatest of the umbelliferous plants; its root is large, thick, and branched, running deep in the earth, from which arises one large, hollow, round stalk, a yard and an half, or two yards high, spreading out into many branches. The leaves are large and winged, divided usually into three partitions, or lesser wings, each single leaf being serrated, or indented about the edges. On the tops of the branches grow large, round umbels, of small five-leaved white flowers; the umbels, as the seed ripens, go out into large globular heads, bearing the seed at the ends, which is large and thick, striated, or furrowed pretty deep, of a whitish colour, two seeds being joined together, as in other umbelliferous plants. Both root, stalks, and seeds, are of a grateful aromatic flavour. It grows in gardens, and flowers and seeds in June and July, the root perishing after the ripening of the seed, which is the second year of its springing from the seed.

Angelica is a plant of many virtues, being stomachic, cordial, alexipharmic; of great use in malignant pestilential fevers, in all contagious distempers, and the plague itself: it causes sweat, and drives out all noxious humours through the pores of the skin. It is very useful in disorders of the womb, and hysteric affections, provokes urine and the catamenia, and expels the secundines. The root, stalks, leaves, and seed are used. *Miller.*

The roots of *angelica* should be chosen whole, thick, long, brown without, and white within: they must not be worm-eaten, which they seldom escape, when kept. Their smell and taste must be agreeable, aromatic, and something bitterish. They contain a great deal of exalted oil and volatile salt. This root is brought dry from several places. Those that come from Bohemia are better than those of England and Holland. Care must be taken, above all, not to be imposed upon by the roots of *maon*, a plant which comes from Burgundy: but the imposition may easily be discovered, for the root of *angelica* is like that of black hellebore, and the root of *maon* like that of common parsley.

ANGELOT, a sort of small cheese, very fat and excellent. It is made in the country of Bray in Normandy, whence it is called *angelot* of Bray. This sort of cheese is commonly presented upon table in little moulds, either square, or in the form of a heart.

ANGLESEY, an island and county in North-Wales, encompassed by the Irish sea on all sides, except on the south-east, towards the continent of Britain, where it is divided from Caernarvonshire, by the narrow strith of Menen, which in some places, at low-water, is fordable, from Beaumaris on the east, to Holyhead on the west.

The soil is more fruitful than could be imagined, it appearing, stony, rocky, or mountainous. Giraldus extolled it for the most fruitful country for wheat in all Wales, inasmuch that, in his time, it was proverbially called the mother or nurse of Wales, by reason, when other countries failed, this had such plentiful harvests, that it used to supply all Wales.

It is at this time generally very rich in corn, particularly in wheat, said to be the best in Wales, as also in cattle, fish, and fowl: it produces likewise great plenty of mill-stones and grind-stones, and some allum.

1. *Beaumaris* is the chief town, and has a good harbour for shipping; their market is well supplied with provisions, and it is the usual town for the reception of passengers from London to Ireland, before they take shipping for Holyhead.

2. *Holyhead*, is the station for the packet-boat to Ireland; it lies opposite to Dublin, to which it is the shortest and the safest passage over St. George's Channel. The packet-boats from Dublin arrive here three times a week,

if the wind permits, and are larger than those to Holland and France, as they ought to be, considering that St. George's Channel is so boisterous, especially in the winter.

ANGOLA. See AFRICAN Coasts.

ANGORA, or ANGOURI, capital of Galatia, has always preserved its reputation for the beauty and fineness of its goats hair, and the fabric of stuffs made there at present, called camblets; and it is from this place, and *Beibazar*, that Smyrna is supplied with these commodities, the quantity of the former being almost incredible, of which it is said the English transport above five hundred bales, the French as many, and the Dutch more than double that number; and the consumption of it is full as great there, as what is shipped by these nations: the English and Dutch have factors settled here to purchase this commodity at first hand, by which means they have it much cheaper than when brought to Smyrna.

ANGOUMOIS, a province of France, is bounded by Poitou on the north, Limosin and La Marche on the east, Perigord on the south, and Saintonge on the west.

This province produces abundance of corn, wine, and excellent fruit. The fruit and corn which grow here most plentifully, are wheat, rye, barley, oats, another sort of grain, which the French call *baillorge*, pretty much like barley, Spanish wheat, saffron, wine, and walnuts.

Wines are the chief and most important branch of the trade of *Angoumois*. The wines in the greatest repute, and sold preferably to all others, are those of Cogniac and its district, and the next in quality are those of Angoulesme.

The red wines are sold in Limosin and Poitou, and the white wines serve to make brandy.

The sale of brandies differs according to the times. During the wars, they are bought up by the French commissioners of the stores, for the use of the armies in Flanders and Germany. They are first carried by land to Châtelleraud, where they are embarked on the Vienne, to go afterwards by the Loire to Orleans, from whence they are sent to the places for which they are designed.

In time of peace, the sale is easier, quicker, and in greater quantity. They are then sent to Charante, below Rochfort, where the English and Danish ships come and take off great quantities, especially of the Cogniac brandies. At Charante is a duty to be paid, which is thought to do some prejudice to the trade.

ANGOULESME, the capital city of Angoumois, stands on a high hill, at the foot of which runs the Charante; the neighbourhood of that river does very much contribute to the commerce of this city, and serves to carry abroad the commodities of *Angoulesme*, and to convey thither such as the people have occasion for. The commodities sent abroad, as observed above, are chiefly brandies and paper; and they import, amongst other things, salt, which is brought from Saintonge in boats to *Angoulesme*, whence it is carried in carts and on mules, into Auvergne, Limosin, Perigord, and la Marche.

LIMOSIN, under the same generality with *Angoumois*, has *Angoumois* and Perigord on the west, La March on the north, Auvergne on the east, and Quercy on the south. Though *Angoumois* and *Limosin* border on each other, yet they are very little alike with regard to fruitfulness of the soil, or the plenty of things necessary for the support of life, or proper for trade.

Angoumois, as observed, produces abundance of corn, wine, and excellent fruit; *Limosin*, on the contrary, is barren and cold. It produces wine in some places only, and that very indifferent too; wheat hardly any where; rye, barley, and chestnuts are the materials which the inhabitants chiefly use to make their bread.

There are in both these provinces a great number of paper-mills, the manufactory of which is very much esteemed. The paper of *Angoumois*, that at least which is proper for printing, is chiefly designed for Holland, which is the reason why in the most of their manufactories they put the arms of Amsterdam upon it; they likewise send some paper to Paris. That of *Limosin* is not less excellent for the printing of books; it is, above all, admirable for prints of copper-plates; but it is seldom used for writing, not being sufficiently gummed for that purpose.

The manufactories of woollen stuffs are not very considerable in this generality. At *Limoges*, the capital of *Limosin*, they

they hardly make any other stuffs, except bays. At *Angoulême* they make ferges and flamines: at St. Jean d'Angeli, ferges and broad-cloths: at Narac, woollen-cloths and ferges: at la Rochefoucault, ferges: at Santereune, cloths: at Cogniac, flamines: at St. Leonard, very coarse woollen-cloths: and, lastly, at Brices and Tulle, bays.

All these stuffs are partly used in the places where they are made, and partly sent to Bourdeaux, Limoges, and Angoulême.

The saffron that is made in *Angoumois* is no inconsiderable object of trade for that country; and, though it be not quite so good as that of Gatinos, yet they send great quantities of it to Bourdeaux, where the English, Dutch, Swedes, Danes, and other northern nations, come and buy it; as they also do the brandies of Cogniac, which are in great esteem, particularly in England and Holland.

ANGURIA, the *water-melon*, or *citrul*. We have but one genus of this species, viz. *water-melon*, with leaves cut into many parts. Of this there are several varieties, which differ in the form and colour of their fruit. But as these vary annually from seeds, so it is needless to enumerate them here.

This fruit is cultivated in Spain, Portugal, Italy, and most other warm countries in Europe; as also in Africa, Asia, and America; and is by the inhabitants of those countries greatly esteemed for its wholesome cooling quality; but in England the fruit is not so universally esteemed, though some few persons are very fond of it.

ANGUS, in Scotland, has several quarries of free-stone and slate, with which a good trade is driven; near the castle of Inner Markie, are mines of lead; and iron ore is found in plenty near the wood of Dalbogue. The higher ground (called the Brae) supports abundance of red and fallow deer, with roebucks, and fowls; and the salmon fishery here is very considerable.

ANHALT, a principality of Germany, has Misnia on the south; the dutchy of Magdeburg, and the principality of Halberstadt on the north and north-west; the dutchy of Saxony on the east; and Thuringia on the west. Its chief trade is in beer.

1. *Dessau*. Its trade is in excellent beer, which is transported all over the country.

2. *Zerbst*, is remarkable for the same strong-beer-brewery as at Dessau, but is said to excel it; inasmuch, that in Franconia it sells dearer than wine.

3. *Koethen*: this is a considerable place, the inhabitants being computed near 15,000. They have the principal manufacture of gold and silver lace in Germany. It employs near a thousand persons: the usual expence of their wages is 1500 dollars a week. They manufacture here yearly to the value of near a million of dollars, for which there is a demand all over Germany, as well as abroad. The Saxons acknowledge, that the inhabitants of these little independent sovereignties of Koethen, Dessau, Binburg, and Zerbst, live in the land of milk and honey; whilst the knowledge which these people have of what the Saxons and Brandenburgishers suffer, convinces them that they are really happy. These petty princes possess lands sufficient for their maintenance, their revenues being reckoned about half a million of dollars. The tax on lands is four *per cent*. which rating them at twenty years purchase, is not quite one shilling in the pound. Upon an emergency, the subjects are capable of raising half a million extraordinary. According to the constitution of the empire, each of these princes is obliged to clothe, arm, and support 100 men in time of war, for the emperor's service. The towns in these little states are not so numerous, in proportion to the extent of country, as in Saxony; but better peopled. The prince of *Anhalt Koethen* has a palace in this town, but it is in a ruinous condition. He supports a body of 250 men, who are well clothed; his revenues are computed at 160,000 dollars.

ANIL (is so called by the inhabitants of all the different countries where it grows), the *indigo plant*. The characters are,

It hath a spreading impalement of one leaf, which is indented in five parts at the top. The flower is of the butterfly kind. The standard is open, bordered, and reflexed. The wings are oblong, blunt, and spread open, as is also the keel, which turns backwards. There are

ten stamina in the flower, nine of which are joined, and the other stands separate; these are crowned by roundish summits. In the center is situated a cylindrical germen, supporting a short style, crowned with an obtuse stigma. The germen afterwards becomes a taper pod, filled with kidney-shaped seeds.

Dr. Linnæus has altered the title of this genus to *indigo-pheria*; because the former was the barbarous country name, both of the plant, and also of the *indigo* made from it; but the latter name which he has given it is not much better, so I choose to continue the former title to the genus. He ranges it in his seventeenth class of plants, intitled, *diapelphia decandria*, from the flowers having ten stamina, joined in two bodies.

The species are,

1. *Anil*, or *indigo* with hoary crooked pods, spikes of flowers shorter than the leaves, and a shrubby, perennial stalk. This is the Jamaica wild *indigo*.

2. *Anil*, or *indigo* with smooth arched pods growing close to the branches, unequal winged leaves, whose lobes are blunt and oval. This is the Guatimala *indigo*.

3. *Anil*, or *indigo* with short round pods, winged leaves, having five lobes, very long loose spikes of flowers, and a perennial root. This is the Carolina wild *indigo*.

4. *Anil*, or *indigo* with woolly hanging compressed pods and winged leaves.

5. *Anil*, or *indigo* with round horizontal pods and winged leaves, having three lobes.

The second, fourth, and fifth sorts are annual plants with us; the seeds of these must be sown on a hot bed, early in the spring of the year; and when the plants are come up two inches high, they should be transplanted into small pots filled with good fresh earth, and the pots plunged into a hot bed of tanners bark; when the plants have obtained some strength, they must have a great share of free air, by raising the glasses in the day-time; and in June they may be exposed more to the open air, by which time they will begin to produce their flowers, which will be succeeded by pods in a short time after, and in August their seeds will be perfected, if the plants are brought forward in the spring.

The third sort grows to the height of five or six feet, and will abide two or three years, if it is preserved in a very warm stove in winter; this produces spikes of flowers from the wings of the leaves on the sides of the stems of the plant, and doth sometimes perfect its seeds in England. This must be raised in a hot-bed, as was directed for the three former, but must not be wholly exposed to the open air, even in the hottest weather.

The second and fourth sorts are supposed to be promiscuously used to make the *indigo*; but the second is the common sort which is cultivated in the English plantations in America: but I have been assured by a person of great credit, that he has made as good *indigo* from the first sort, as any that was produced in our plantations; and this being a much larger plant, will afford a greater quantity from the same compass of ground, than any one of the other species; and this sort will grow on poorer land, so may be cultivated in such places where the first sort will not thrive; by which means great improvements may be made with this plant in our American plantations. But the French chiefly cultivate the second sort, which is generally called *Guatimala indigo*; but there are some other sorts of this plant, which are natives of India, from which this commodity is made; two of which, viz. the fourth and fifth sorts, I have had growing in the garden at Chelsea, both which are very different in their leaves and pods from either of the American sorts which have been cultivated. I have also received seeds from India of the third sort, which is the species of *indigo* which grows naturally in South Carolina, and which was greatly esteemed some years ago by the *indigo* planters of that country, for the beauty of the commodity which it produced; but the plants being slender, and thinly garnished with leaves, which were small, they did not furnish a quantity of *indigo*, in proportion to their bulk, so of late this sort has not been much cultivated there; though the account which I received with the seeds was, that it was what the best *indigo* was made from. Miller.

The whole process in making the *indigo* being exactly described by *Pere Labat*, in his voyages, I thought it would

would not be unacceptable to the English reader, to translate his account in this place, which is as follows :

There was formerly a great deal of *indigo* made in the parish of Macauba : there is not a stream nor river in it, where one does not meet with *indigo* works, that is, backs or vats of stone-works, well cemented, in which the plant that yields the dye is put to digest : there are usually three of these vats one above another, in the manner of a cascade ; so that the second, which is lower than the bottom of the first, may receive the liquor contained in the first, when the holes, which are made in the bottom of the first, are unstopped ; and that the third may, in its turn, receive what was in the second.

The first, largest, and highest of these vats, is called the steeper or rot ; it is usually made twenty feet long, twelve or fifteen feet wide, and three or four feet deep. The second is called the battery, it is almost half as small again as the first : and the third, which is much less than the second, is called the deviling.

The names of the two first perfectly agree with their uses ; for the plant is laid to steep in the first, where it ferments, is macerated, and becomes like rotten dung : after that, the salts and substance of the leaf and rind are diffused in the water by the fermentation, which the heat and ripeness of the plant has excited in it. It is in the second that they agitate and beat this water, impregnated and loaded with the salts of the plant, till having collected, re-united, and, as it were, coagulated with one another, they form the particles which compose the dye.

As for the name of the third, I do not see how it agrees with it, unless it be because this vat is deeper coloured than the others ; for the *indigo* already formed remaining in it, consequently dyes and colours it much deeper than the others.

To which I should add, that it is only at St. Domingo that they make use of this name. In the Windward Islands they call this last vat the settler, and this name suits it perfectly well ; because it is in this, that the *indigo* begun in the steeper, and perfected in the battery, unites, grows into a mass, separates itself from the particles of water which remained in it, leaves them at top, and settles at the bottom of the vat ; whence it is taken out to be put into little bags, and then into the boxes, as I shall mention hereafter.

Nothing ought to be omitted in the building and making these vats substantial ; the strength of the fermentation is so great, that unless the stone-work and plaster be very well done, and the mortar carefully chosen and wrought, they crack ; and a very moderate crack is sufficient to let out a vat of *indigo*, and cause a considerable loss to the owner.

When this misfortune happens, the following is an easy and infallible remedy, which I can answer for, as having experienced it. Take some sea-shells, of any kind whatever, pound them without burning them, powder them, and sift them through a fine sieve. Take an equal quantity of quick-lime, and sift it ; mix these together with water enough to make a stiff mortar, and as quick as you can, stop the cracks of your vats with it. This mixture incorporates, sticks, and dries in a moment, and immediately prevents the matter's running out of the vat.

Every body does, or should know, that *indigo* is a dye used to dye wool, silk, cloths, and stuffs, blue : the Spaniards call it *Anilo* : the finest they make, *i. e.* in New Spain, comes from Guatimala, which makes a great many people call it barely *Guatimala*. It is made also in the East-Indies, particularly in the dominions of the great mogul, the kingdom of Golconda, and other places thereabouts, as Mr. Tavernier relates in his voyages. This sort is in Europe oftener called *India* than *indigo* or *anil*, people taking for its proper name, the name of the place it was made at.

Some authors, and among others, Father Du Tertre, of our order, have fancied that the *indigo* which comes from the East-Indies is more beautiful, finer, and dearer, than that which comes from the West-Indies, which they call *flat indigo*, while they call that from the East barely *India*. They would have spoken more properly, if they had called the latter *round India* ; for, by their leave, all the difference between the two *Indias*, or *indigos*, is that that made in the East-Indies is shaped like half eggs, and

that of the West like cakes ; for as for goodness and beauty, the one will not be a whit superior to the other, if both are wrought with equal care and fidelity.

The shape of the *Oriental indigo* obliges the merchants, who would carry it into Europe, to pound it, that they may put the more into the chests, or barrels they put it up in. It is certain, that being thus pounded, its grain having been broken under the pestle, ground, and reduced to powder, makes it finer than the *West-Indian indigo*, which coming in casks just as it was dried, shews its grain entire, and consequently must appear coarser ; but what is that to the intrinsic goodness of the commodity ? I maintain it is the same in both, though there seems to be a difference.

To be convinced of this truth, take a lump of sugar equally white throughout, break it in two, pound one part of it, and reduce it to powder ; this will look finer and whiter than that which is whole, which proceeds only from this, that the grain of the one has been separated and divided into a greater number of parts, which though very small, and almost insensible, yet having a greater number of surfaces, will consequently reflect more light ; whereas the other remaining entire, presenting to the sight only a large grain, which has but little surface, of course reflects less light, and by a necessary consequence must appear less white ; which is the same as appearing less beautiful, since the beauty of sugar consists in its whiteness. Methinks we may reason in the same manner upon *indigo*, and say, that *cæteris paribus*, the West-Indian indigo is as beautiful as the East-Indian, when they are both wrought alike.

I think I should add, that the *American indigo* is better for use than the other ; for who does not see, that there is no pounding this dye, without the most subtle parts being dissipated in the air, as Mr. Tavernier allows ? and who can doubt, that these parts are the best, and those that go farthest, when it is used ?

I grant, that the *indigo* which comes from the East-Indies, is dearer than that which is made in the West-Indies ; the reason is plain, it comes farther, runs greater risks ; and those who bring it would not find their account in selling it, at the same price with that which comes from a much nearer place ; but that does not at all prove it to be more beautiful, or better.

Indigo is composed of the salt and substance of the leaves and rind of a plant of the same name ; so that one may say, it is a dissolution or digestion of the plant, caused by the fermentation it has excited in the water it was laid to steep in. I know some writers pretend, that the substance of the leaves does not produce the *indigo*, which (as they would have it) is only a viscous tincture, or colour, which the fermentation of the plant diffuses in the water ; but before I take their words for it, I desire they would tell me what becomes of the substance of the plant ; for when it is taken out of the steeper, it is certain, that it has no longer the same weight, consistence, nor colour, it had before. The leaves, which were very plump and very full of juice, are light, flabby, and withered, and look more like dung than any thing else, which makes them frequently give the name of *rot* to the steeper. If then we no longer find in the leaves, and the rest of the plant, the same substance that was observable in it before it was laid to steep, is it not most natural to believe, that it is the same substance and salts, which, being freed from their inclosures, and diffused in the water, have thickened it, and by their union or coagulation have formed that blue mass which they call *indigo*, so useful in painting and dying.

The CULTURE.

This plant requires a good rich level soil, not too dry ; it greatly robs and impoverishes the ground where it grows, and must be alone. There cannot be too much care taken to keep it clean, and to hinder herbs of any kind whatever from growing near it. They weed and cleanse the ground where they intend to plant the *indigo seed*, five times over. I should think they should call it *sowing*, but the term of planting is consecrated in our isles, and I do not think I ought, for the sake of a word, to fall out with our planters, who deserve our esteem upon a thousand accounts. They sometimes carry their neatness to such a pitch, that they sweep the piece of ground as they do a room. After that, they make holes or pits, wherein the seeds are

to be put; for this purpose, the slaves, or others, who are to work at it, range themselves in the same line, at the top of the piece of ground; and going backwards, they make little pits of the breadth of their hoe, of the depth of three or four inches, at about a foot distance every way, and as much as possible in a strait line. When they are come to the end of the ground, each furnishes himself with a little bag of seeds, and returning that way they came, they put eleven or thirteen seeds into each of the holes they have made. A sort of superstition has taught them, that the number must be odd. I by no means approve of this practice; but I shall take care not to endeavour to shew them the uselessness and folly of it, being satisfied I shall only lose my time and labour.

This work is the most toilsome of any in the manufacture of *indigo*; for those who plant it, must be always stooping, without rising up, till the planting of the whole length of the piece is ended; so that when that is large, which almost always happens, they are obliged to remain two hours, and often more in this posture.

When they come to the top of the piece, they go back again, and cover the holes they have put the seed in, by thrusting in with their feet the earth they had taken out of them, and so the seed is covered with about two inches of earth.

The culture of this plant may be rendered very easy, provided the inhabitants of our colonies in America could be brought to make use of the drill-plough; for with this instrument, two persons and a horse or mule will sow more land with *indigo* in one day, than twenty persons can perform in the same time, in the method now practised; for the plough makes the drill, and the hopper, which is fixed to the plough, follows, and scatters the seeds at equal distances in the drills; and another instrument behind the hopper covers in the drills, whereby the whole operation is performed at the same time, and with great ease. Indeed the use of this machine must be understood by the persons who are to perform it, otherwise they will do it in a bad manner, but a little practice will bring any person to the right use of it.

As the *indigo* is sown in rows, a hoeing plough may be made of a proper dimension, in order to clean the ground between the rows; with this contrivance, it may be performed in much less time than in the method now practised. But in doing of this, I would advise the stirring of the ground, soon after the *indigo* plants are come up, before the weeds have got much strength, at which time they are soon destroyed; and by stirring of the ground, the plants will be greatly encouraged; and they are the strongest, and most thriving plants, which make the best *indigo*.

What *Le Bat* says of cutting the plants before they are too old, in order to have the *indigo* of a better colour, is certainly right, therefore, as soon as the flowers begin to appear, it should be cut; for if it stands much longer, the stems of the plants will grow hard and stringy, and the lower leaves will change to a yellowish colour, which will render the *indigo* less valuable; for the plants, by being too close together, will occasion their bottom leaves to decay for want of free air: the same will happen, if weeds are suffered to grow among the plants. Therefore there must be great regard to their being kept always clean.

Though all seasons are good for the planting of *indigo*, yet care must be taken not to put it in the ground in a dry time: it is true, the seed may keep a whole month in the ground, without being spoiled; but when it is planted so, one runs the risque of having it eaten up by vermin, or carried away by the wind, or choked by the weeds that spring up with it: so that prudent planters never run the risque of planting it dry, *i. e.* at a time that they do not probably expect rain in two or three days after the planting is ended: they choose therefore, usually, a moist season, which promises rain, and then they are sure of seeing the plant spring up in three or four days after its being planted.

Notwithstanding all the care that has been taken in clearing the ground where the seeds have been planted, the planter must not be careless when the *indigo* is got above-ground; because the goodness of the soil, joined

to the moisture and warmth of the climate, and the plentiful dews that fall every night, make a prodigious quantity of weeds to spring up, which would choke and absolutely spoil the *indigo*, if extreme care was not taken to weed them up as soon as they appear, and to keep the plant extraordinary neat; and very often the weeds are partly the cause of the breeding of a kind of caterpillars, which devour all the leaves in a short time.

From the time of the plant's rising above-ground, to its perfect maturity, is but two months, and then it is fit to cut: if one was to stay longer, it would blossom, its leaves would grow drier and harder, and consequently they would yield less substance, and the colour would not be near so beautiful.

After this first cutting, the new branches and leaves which the plant produces, may be cut about every six weeks, provided the season be rainy, and that care be taken not to cut them in a time of drought; because then we should infallibly lose the plant, or, as they call it there, the *choupues*, and be obliged to plant again; but all things being rightly managed, the plant may last two years; after which it must be plucked up, and new ones planted.

When the plant is ripe, which is known by the leaves, which grow brittle, and less supple, they cut it some inches from the ground. They use for the cutting of it great crooked knives made like sickles. Some planters make it into bundles like double bottles of hay, that a negro may easily carry them to the steeper: but most people put it into large pieces of coarse cloth, which they tie by the four corners; and this is more convenient, the plant is less handled and squeezed, and the small are carried away as safely as the great; and besides, the work goes on quicker this way, than in making bottles; and as time is precious every where, and especially in America, there cannot be too much care taken not to lose any.

Eighteen or twenty packets of plants, each about the size of two bottles of hay, are sufficient to fill a steeper of the afore-mentioned size. When it is filled with water, so that it covers the plants, they put pieces of wood on the top, that the plants may not rise above the water (as is done upon grapes that are put to the press) and thus all is prepared for fermenting. According as the heat is greater or less, or the plant more or less ripe, the fermentation is raised sooner or later, sometimes in six, eight, or ten hours; and sometimes one is obliged to wait eighteen or twenty hours, but very seldom longer. Then the effect of the fermentation visibly appears, the water heats, and boils upon all sides, as the grapes do in the vat; and the water, which at first was clear, insensibly grows thick, and becomes of a blue, inclining to a violet colour. Then, without meddling at all with the plants, they open the cocks, which are at the bottom of the steeper, and let all this water, loaded with the salts and substance of the plant, which were freed by the fermentation, run into the battery; and while they throw away, as useless, and almost rotten, the plants that were in the steeper, and clean it, that it may be filled with fresh, they beat the water, which they let out of the steeper into the battery.

They formerly used for this purpose a battledore wheel, whose axle was placed upon the middle of the vat, and which they turned by two handles, that were at the end of the same axle. Since that, in the room of battledores, they have put little bottomless boxes, and afterwards others, whose bottoms were bored full of holes: at present they use a kind of pretty large pails, fastened to strong poles, placed upon chandeliers, by means of which, the negroes violently and continually raise, beat, and stir the water, till the salts and other parts of the substance of the plant are united, and sufficiently, as it were, coagulated to incorporate.

The hitting this minute exactly, shews the skill of him who oversees the making of the *indigo*; for if he makes them leave off beating a little too soon, the grain not yet formed, remains dispersed in the water, without sinking and gathering together at the bottom of the vat, and is lost with the water, when they are obliged to let it out, which is a great loss to the owner; or if, when it is formed, they continue to beat, they dissolve it, and

the same inconvenience follows. This minute then must be nicked, and when found, they must leave off beating and let the matter rest.

To find this minute, they make use of a little silver cup, designed for this use alone; they fill it with this water, while the negroes beat it; and according as they observe that the *faeces* sink to the bottom of the cup, or remain dispersed in the water, they cease, or continue beating.

The General Dictionary, printed at *Trevoux*, relates very seriously, upon the credit of *Father Plumier*, a *Minim*, that the *indigo-maker*, having taken up some of the water of this battery in his cup, spits in it; and that, if the *indigo* be formed, the *faeces* immediately sink to the bottom of his cup, and that then he makes them leave off beating, if not, he makes them continue it.

This is not the only incident in which people have imposed upon *Father Plumier's* credulity and simplicity. I have been witness of it upon other occasions.

When they have left off beating, they let the matter rest, the *faeces* sink to the bottom of the vat, and gather together like a kind of mud; and the water, freed from all the salts it was impregnated with, swims above it, and grows clear. Then they open the cocks, which are placed in the battery at different distances from the bottom, and let this water run away; and when they come to the surface of the *faeces*, they open the cocks of the bottom, that the *faeces* may all fall into the deviling, or settler. There they let it settle a little while longer, after which they put it into linen bags, fifteen or eighteen inches long, made with a point, where it perfectly purges itself from the rest of the water, which remained among its particles. When that is done, they spread it in little boxes three or four feet long, two feet broad, and about three inches deep, and expose it to the air to dry it perfectly. They observe not to expose it to the sun, because it would starve the colour in drying it; and they take a great deal of care to keep it from the rain, because that would dissolve and utterly spoil it.

It sometimes happens, that the caterpillars get among the *indigo*; and, if they are let alone ever so little a while, they eat all the leaves, and often the very rind and ends of the branches, and kill the stocks; it is but lost time to endeavour to destroy them, or hinder them from ravaging a whole piece, by stopping them with a ditch. The surest way is to cut down the *indigo* with all speed, let its age be what it will, and to throw both plants and caterpillars together into the steeper; there they burst, and part with what they had devoured, and the *indigo* is not the less beautiful for it. It is true, when the plant is not come to its perfect maturity, it yields much less; but many experiments have taught us, that the colour it yields is much more beautiful; so that what is lost one way, is gained another.

I would not wait for so perfect a ripeness, before I cut the plant. Perhaps all the secret of those whose *indigo* is so much extolled beyond ours, lies only in cutting the plant when it yields the liveliest colour. I have experienced, that in leaving some cochineal flies upon some Indian figs, which were too ripe, instead of being red, they grew of a filemot colour, like the fruit they fed upon. The same thing might happen in *indigo*; and what I here propose is not a groundless doubt, since it is backed by the experiments I have just related; which plainly prove, that the same plant, cut at different ages, produces colours different in beauty. I would not venture to give this advice to men wedded to their interest, who value rather the quantity than the quality of their commodity; but I believe I have nothing to fear from our islanders, who are generous and magnificent, sometimes even beyond their abilities: I advise them, therefore, to make different trials, as to the soil, the season, the age of the plant, the water they steep it in, the point of dissolution, &c. and I am sure, that with a little time, labour, and patience, they will make *indigo* that will equal, and even excel the most boasted *indigo* of foreign countries. The planters of St. Domingo know, that in 1701 their coarse sugar was very bad, and was not made without infinite trouble; but at present every body allows, that by their labour, assiduity, and enquiries, it is grown much more esteemed than that of the Wind-

ward Islands: and why may not the same be hoped for in *indigo*?

Mr. *Pomet*, author of the *General History of Drugs*, says in his first part, chap. 13, that the Indians of the village of *Sarquesse*, near *Amadabat*, use only the leaves of the *indigo*, and throw away the plant and branches; and that it is from thence the most esteemed *indigo* comes.

I am pretty much of his opinion; for we see, that those who take the pains to strip off the grapes from the branches, before they put them into the vats, and throw away the stalks entirely, make much the best wine; because the stalks always contain an acid, which mixes with the juice of the grape in the treading and pressing them both together; and for the same reason, the *indigo plant* must contain a liquid much less perfect in colour than that of the leaves: but one ought to have the leisure and patience of the Indians, to undertake such a work, and have workmen as cheap as they are in that country, supposing the fact true, as Mr. *Pomet* delivers it from the relation of Mr. *Tavernier*.

Though I am a great friend to those experiments which may carry our manufactures to a greater perfection, yet I dare not propose this, because of the expence they must be at, who would try it; and because the profit arising from it would not, perhaps, quit cost: however, I have here given the method of the Indians of *Sarquesse*, that I may have no reason to reproach myself with having omitted a thing, which may be of some use to my country.

Good *indigo* ought to be so light, as to swim upon water; the more it sinks, the more it is to be suspected of being mixed with earth, ashes, or powdered slate. Its colour ought to be a deep blue, inclining to a violet, brilliant, lively, and bright; it ought to be more beautiful within than without, and look shining, and as it were silvered.

If it is too heavy in proportion to its bulk, it ought to be suspected, and its quality examined into; for as it often bears a considerable price, it is fit that those who buy it, should be acquainted with the frauds that may be committed in it.

The first is, the beating the plant too much in the steeper, that the leaves and rind of it may be entirely consumed. It is certain, that the quantity of the matter is very considerably encreased by this dissolution; but the *indigo* is a great deal the less beautiful for it; being blackish, thick, heavy, and fitter to be thrown away than used.

The second is the mixing ashes, earth, or a certain brown shining sand (which is pretty commonly found in the bays by the sea-side) and especially powdered slate, with the *faeces*, as they fall into the deviling, and stirring all well together, that they may incorporate, and the fraud not appear; and this fraud is much more easily committed in the powdered *indigo*, than in that which is in cakes; because it is very difficult for those heterogeneous bodies to unite so well together, as not to make, in many places, as it were, beds of a different matter; and then, by breaking the piece of *indigo*, they are easily perceived.

The two following expedients may be made use of, in order to know the goodness or badness of *indigo*.

The first is to dissolve a bit of it in a glass of water. If it is pure and well made, it will entirely dissolve; but if it is adulterated, the foreign matter will sink to the bottom of the glass.

The second is to burn it. The good *indigo* will burn all away, whereas the ashes, earth, sand, and slate, remain after the true *indigo* is consumed.

In 1694, *indigo* was sold at the Windward Islands, from three livres ten sols, to four livres per pound, according to its beauty, and the number of vessels to be freighted with it. I have known it since at a much lower price; however, the planter would not fail of making a very considerable profit of it, though he should sell it for no more than forty sols per pound; because this commodity requires fewer utensils and less charges than a sugar work.

Since the cultivation of *indigo* was introduced in South Carolina, great quantities of that useful dye have been brought from thence to England; and it may be hoped, that

that the encouragement granted by parliament to the planters, will enable them to prosecute this branch of commerce with such success, as to be a great national benefit, and of equal advantage to that country: but as yet the planters have not arrived to so much perfection in the making of it as could be wished; for most of the *indigo* which I have seen of the produce of that country, has been so hard as to render it difficult to dissolve, occasioned by their pouring a quantity of lime-water into the vat, in order to make the *faeces* of the plant subside. I have also been informed by letters from many of the planters, that after the fermentation of the plant in the vat, it comes out again almost entire, being but in a very small proportion lessened, either in bulk or weight. This may probably be owing, in great part, to their culture of the plant, as also from their vats not being large enough to contain a sufficient quantity of the herb, to make the fermentation strong enough to dissolve it; or from the vats being built in the open air, whereby the fermentation may be impeded, by the cooler breezes of the evening air; for in the islands where the best *indigo* is made, their vats are all built under cover, where their heat is greater than that in Carolina; therefore this requires the attention of the planters of *indigo*.

As to the culture of the plant, by all the information I have been able to procure from thence, they commit a great error in sowing their seeds too thick, whereby the plants are drawn up with stems, which are not sufficiently garnished with leaves; nor are the leaves so large and succulent as they would naturally grow, were the plants allowed a greater share of room, so that the stalks consist of little else but strong vessels which are not dissolvable by the fermentation, and it is only the upper parts of the plant which are furnished with leaves; like young trees growing close together which are drawn up with slender stems, having no lateral branches, nor leaves, but at their tops; therefore it is not to be supposed a great quantity of *indigo* can be produced from plants so managed; for it is a common observation of the cultivators of woad, that when their plants spire, and have narrow thin leaves, they produce but little of the dye; so that they make choice of rich strong land for sowing the seeds of this plant, and are careful to thin them, that they may have room to spread, and produce large succulent leaves, from which they always reap the greatest profit. If the planters of *indigo* in America would but imitate the cultivators of woad in this particular, they would certainly find their advantage in so doing.

Another thing in which they err, is letting the plant stand too long before they cut it, supposing from the height of the plant to procure a great quantity of the dye; but in this they are greatly mistaken, for the older the plant is before it is cut, the drier and firmer will be the stalks; therefore but little of the plant will be dissolved by fermentation, nor will the *faeces* of the old plants be near so beautiful as that of the young. Therefore it is to be wished, that they would try some few experiments in the culture and management of the plants, by sowing thin, and keeping the plants perfectly clean from weeds; as also to cut them while young and full of juice, and hereby they will be better informed how to improve it to the greatest advantage. But as labour is dear in that country, so many persons may probably object to the expence of cultivating the *indigo* in this method; therefore, to avoid this, I have before proposed sowing the seeds with a drill-plough, whereby the first expences will be greatly lessened, and the seeds more equally sown; and by the use of that hoe-plough, ten acres may be kept clean from weeds with as small expence as one, when managed by the hand-hoe; and by stirring of the ground often, and earthing up the plants, they would grow much stronger, be less liable to be destroyed by flies, and have larger and more succulent stalks and leaves. *Miller. See INDIGO.*

ANIMALS, all organized bodies endowed with life and spontaneous motion, are so called.

According to the most probable and generally received opinion, all *animals* are originally produced from eggs, in which they are contained, till their covering is penetrated, and their bulk encreased by the penetration of the male, seed so as to become ready for hatching.

When the *animal* breaks loose from the shell in its perfect form, we say the dam of it is *viviparous*; when the young is excluded with a hard covering round it, which we call the shell, we say the dam is *oviparous*. The shell of the egg in the *oviparous* kind is hard and convex, the better to resist the pressure and injuries of the air, to which it must lie exposed for some time.

All *animals* that are formed with feet, fins, or wings, and have the free power of transporting themselves from one place to another, are divided into two sexes, under each species, that they may confer their joint offices in rearing their young. On the other hand, those *animals* which are confined all their life long to one spot, are *hermaphroditical*, or have both sexes conjoined in one body, and procreate their species without the concurrence of a male. Of this sort are *limpits*, and several other kinds of shell-fish.

The philosophers comprehend *man* under the species of *animals*, and define him a *rational animal*: though among naturalists, &c. *animals* are usually confined to *irrational*.

Animals may be considered either as *aerial*, *terrestrial*, *aquatic*, or *amphibious*. We term those *aerial* which have wings, with which they can support themselves in the air.

Terrestrial are those whose only place of rest is upon the earth. *Aquatic* are those whose constant abodes are in the water.

Those are stiled *amphibious* which live freely in the air, upon the earth, and yet are observed to live long in the water, as if they were natural inhabitants of that element.

Aerial animals may be subdivided into birds and flies. Fishes, which are the chief part of *aquatic animals*, may be divided into shell-fish, scaly-fish, and those that have neither apparent scales nor shells.

And *terrestrial animals* may be subdivided into *quadrupeds*, or beasts; *reptiles*, which have many feet; and *serpents*, which have no feet at all.

Insects, which in their different changes belong to several of the foregoing divisions, may be considered as one large tribe of *animals*. They are called *insects*, from a separation in the middle of their bodies, whereby they are, as it were, cut into two parts, which are joined by a small ligature, as we see in wasps, common flies, and the like.

Besides all these, there are some *animals* which are not perfectly of these kinds, placed, as it were, in the middle betwixt them, by having something of both, as beasts and birds, in them.

The greatest part of *animals* have five senses, viz. seeing, hearing, smelling, tasting, and feeling. Some *reptiles* of the earth, and some of the *aquatics*, want one or more of these senses, and are therefore called *imperfect animals*, as worms, oysters, cockles, &c.

One would be surprized to hear sceptical persons disputing for the reason of *animals*, and telling us it is only our pride and prejudices that will not allow them the use of that faculty. Reason shews itself in all occurrences of life; whereas the brute makes no discovery of such a talent, but in what immediately regards his own preservation, or the continuance of his species. *Animals*, in their generation, are wiser than the sons of men; but their wisdom is confined to a few particulars, and lies in a very narrow compass. *Speſtacle de la Nature.*

Whence arises the uniformity we observe in all the works of *animals*? Why is every species, in various countries, constantly doing the same thing, in the same method? Why does not every individual do its work better or worse than another individual? There cannot be a stronger proof that all their operations are derived from a mechanical and entirely material origin; for did they participate, in the least degree, of that light inherent in our minds, their works would at least shew a variety, if not perfection. Every individual of the same kind would, in some of its performances, do something a little different from what another had done. No, their plan is universally the same. The order of their actions may be traced through the whole species; it is not left to each individual: and whoever would therefore attribute a soul to *animals*, lies under a necessity of making but one

one to each species, of which every individual would be an equal partaker. This soul, therefore, would be divisible, consequently material, and of a nature entirely different from ours. *Buffon's Hist. Naturelle.*

All substances produced from *animals* are, by the chemists, said to belong to the *animal kingdom*, in order to distinguish them from others which belong to the *vegetable* and *mineral kingdoms*.

The earth of *animals* is not found to differ from that of vegetables in any respect; but the salts of *animals* differ very remarkably from those of vegetables, in being volatile; whereas those of vegetables, before they have undergone putrefaction, are fixed so as not to be capable of elevation by the most intense fire. See ANALYSIS.

ANIMALCULE, a minute *animal*, scarcely, if at all, visible to the naked eye.

Those who have made the most minute researches, and the most accurate enquiries into the natures of the several objects subjected to their senses, have found, that the substances upon which they employed their curiosity were often quite different from what, at first view, they appeared to be. Thus, for instance, the whole earth has been found replenished with an inexhaustible store of what we should least of all suspect, that is, an infinite number of *animalcules* floating in the air we breathe, sporting in the fluids we drink, or adhering to the several objects we see and handle. The conjectures and hypotheses relating to the production, generation, structures and uses of these *animals*, have been as various, and, perhaps, as far remote from truth, as any that ever were contrived by the caprice, or embraced by the credulity of mankind. But conjecture, obscurity, and darkness are now, in a great measure, banished from this branch of learning, since, by the assistance of microscopes, we not only know that these *animalcules* exist, but are also enabled to discover their particular shapes, and various degrees of motion.

Water, the least compounded of any fluid we are yet acquainted with, not only contains a large number of these *animalcules*, but also proves a proper medium for their multiplication. See *Mem. de l'Acad. Roy. des Sciences*. 1707.

If then water, the most simple of all other fluids, thus abounds in *animalcules*, and proves, if I may so speak, a proper medium for their production and multiplication, how much more must we suppose this to be the case with other fluids of a richer texture, and a more compound nature? What, for instance, must we think of the vast store, and surprising variety of *animalcules* contained in that heterogeneous fluid the air? What numbers of them must be contained in fermented liquors, generous wines, and acids of every kind? How must they abound in the testicles, the seed, and other juices of *animals*? What must their number be in fowls and fishes, and even in reptiles, and in insects of the smallest and most inconsiderable size. However romantic this may appear to one unaccustomed to pry into the hidden wonders of the works of nature, it is nevertheless far from being one of those curious hypotheses, which tantalize the mind with delusive appearances of truth for a while, and leave it at last to sit down in a dejected state, and bewail its want of evidence; for Mr. *Lewenboeck*, that great enricher of natural history, and accurate observer of the minutest works of the creation, has subjected these matters to the evidence of sense, and even given an irrefragable demonstration, that the number of *animalcules*, contained in the seed of one cod-fish, is more than ten times that of all the men living upon the whole surface of our globe.

In short *animalcules* abound in every part of the creation, and the very food we use is mixt and incorporated with the eggs laid by them. In the Philosophical Transactions there are very surprising accounts of *animalcules* found in various substances, and of different sorts.

ANIMATED Needle, one touched with a load-stone, or animated with the magnetic effluvia.

ANIMATED Power, in mechanics, a man, or other animal, in opposition to an inanimated one, as that of springs, weights, &c.

ANIMATED Mercury, among the chemists, signifies a mercury, which being joined with a perfect metal, is

reduced to a certain species. Such a mercury is wanted by the *spagirists* to help them to the philosopher's stone.

Mr. Boyle calls that *animated mercury* which, from some spirituous particles it is impregnated with, is rendered capable of growing hot, when mingled with gold.

ANIMATED. The French give the name of *animated gum* to a sort of yellowish and transparent gum, which drops by incision from some trees in New Spain.

ANIME, or Gum ANIME, in pharmacy, a gum, or white resin, chiefly brought from America.

It flows from an incision made in a tree of a moderate bigness, the leaves of which resemble those of the myrtle.

The best *gum anime* is white, dry, friable, clean, of a good smell, and soon consumes, when thrown into the fire: it contains a great deal of oil, and essential salt.

It is proper to discuss, soften, and dissipate cold humours, and is of use in the head-ach, and to strengthen the brain. *Lemery*.

The Brasilians apply the scum of it for disorders of the head from colds; and are of opinion, that it is of service to other parts of the body likewise, when affected by the same cause. *Lewis*.

ANINGA, a root which grows in the Antilles islands, and is pretty much like the China plant. The root of the *aninga* is now used by sugar-bakers, for refining the sugar, and is more effectual and less dangerous than the sublimate of mercury and arsenic, that were used formerly, before it was found that the *aninga-root* was proper for that use.

ANJOU, a province in France. The principal manufactures established in this fruitful, and plentiful part of France, in which may be included *Touraine*, *Maine*, and *Perche*, are comprized in the silken, woollen, and tanning commodities. The first has its establishment in *Tours*, the capital of the province of *Touraine*, where are made all sorts of fine silks, as velvets, mohair, ferges, brocades, satins, taffeties, &c. in which formerly were worked up 2400 bales of silk, though at present three or four hundred are more than sufficient; and the same decay that has happened in this manufacture has occurred in the woollen, this hardly employing fifteen or twenty looms now, which occupied two hundred and fifty before. At Amboise, Chinon, Richelieu, Loudan, Loches, Beaulieu, St. Christophle, St. Pater, Laval, Beaumont, la Roue, Roziers, Montefors, Villeloin, Orbigny, Reugnay, Chateau-Renault, Neuville, Pontpierre, Maray, Neufay, Loifaut, and Montricaré, are made much the same sorts of stuffs and cloths, as in the last-mentioned province. Few hides are now tanned here, in comparison with the great quantity that used to be formerly. The natural products of these parts consist in wines, brandies, salt-petre, and such abundance of fruits raised, and afterwards preserved by the natives, as have drawn on this province the appellation of the garden of France. In the parishes of Parcenay, Abillon, St. Mars, and Mettray, are quarries of mill-stones; and near the abbey of Noyers, a copper-mine was discovered in the latter end of the last century. About 7000 pieces of cloths, ferges, druggets, linsley-woolseys, and other stuffs, are made in this district of *Touraine*, besides some caps, hats, and stockings; in that of *Anjou* are gathered wines, flax, and hemp, of which large quantities of thread and linen are made; the quarries of slate, iron, and coal-mines, the whitstries for linen and wax, the refineries of salt-petre and sugar, the forges and glass-houses, with the manufacture of Estaminas, and druggets of various sorts, make up the commerce of this province; of these latter about 4000 pieces are made yearly at Angers, Chateau-Gontiers, la Fleche, Beango, Saumur, le Ludi, Dove, Montreuil, Bellay, Beaufort, and Durtal, besides some hats, caps, &c. In the territory of Maine, about 5300 pieces of the aforesaid woollens are made, though the principal manufacture of this province is linen, for which it produces the materials in vast plenty, and there has been seen 20,000 people employed at once in the several branches of it: here are also some glass-houses, iron-mines, &c. and large quarries of a middling sort of marble. The manufactures of the small province of *Perche*, are linens, stuffs, and paper, of which the first

is the most considerable; they have also here some forges for iron, and carry on some trade in the grazing way.

ANISE, or ANIL, a greyish wood, that comes from the Indies in thick logs, or billets, and which is called *anise* because of its scent, which comes pretty near that of the plant which bears that name, and grows very commonly in the gardens in France, and elsewhere.

The *anise-wood* is used in inlaid-work, and turner's wares. The druggists also sell the seed of it, disguised under different names, calling it sometimes *anise* of China, of Siberia, of the Philippine islands, and of the Indies; but, to give it more reputation, they call it most commonly the seed of *Badian*, or the seed of *Zingi*.

This seed, which is contained in a small pod, very hard and thick, in the form of a star, is perfectly like that of the *coliquintida*, except only that it is of a tanned colour, and shining, and that it has a pretty good smell.

The Chinese use it with their tea, and the Dutch in the East-Indies, after their example, also put some into that liquor, and into their sherbet, pretending that it gives it a more pleasant flavour. The use of it is not introduced in France, nor in England, that we know of.

ANISUM, in botany, an umbelliferous plant, commonly called *anise*.

It is a small tender plant, producing one stalk, seldom growing above two feet high, whose lower leaves are whole, round, and indented about the edges; but those which grow upon the stalk are winged, and finely divided, of a pale green colour. It flowers and seeds in July, the root dying every year after it has yielded its seed. It is cultivated in Germany; but the best seed, which is the only part used, comes from Spain.

Aniseed is carminative, expelling wind out of the stomach and bowels, both given at the mouth, and in clysters. It is very useful against cold affections of the lungs, difficulty of breathing, and asthma. The oil, distilled from the seed, is used for the same purposes, and often applied outwardly in carminative and anodyne liniments, and particularly for the pleurisy, and other pains in the side. *Miller*.

The good qualities *anise-seeds* ought to have are as follow: it must be fresh, large, plump, newly dried, of a good smell, and of a biting and aromatic taste, without any bitterness.

The confectioners use a great deal of *anise-feed* in sugar plums, which they sell under divers denominations.

There is extracted from *anise-feed*, by distillation, a kind of white oil, called essence, or quintessence, of *anise*, of which that which comes from Holland is the most esteemed. That oil, to which the physicians and apothecaries ascribe great virtues, is of a very strong and penetrating scent; for which reason it is used with discretion. Perfumers mix some of it with their pastes and pomatums, to give them a sweet scent. They also put some of it in certain mixtures of aromatics.

Whilst *anise-feed* is distilling to extract the oil from it, there comes a clear water from it, which is called *anise-water*, the effects of which are the same with those of *anise-oil*.

That oil must be chosen white, clear, transparent, of a strong scent, as easily liquified by the least heat, as congealed by the least cold.

Anise-feed affords, likewise, another sort of oil, quite green, which is got by expression, to which the same virtues are ascribed as to the white oil, but the effects of it are neither so strong nor so quick. It is to M. Charas that, in France, the discovery of this last sort of oil is owing. *Anise-feed* is noted among the drugs and spices to be garbled, in *Stat. 1 Jac. I. cap. 19*.

ANKER, a liquid measure at Amsterdam. It is the fourth part of an *aem*, and contains two *stekans*. A *stekan* is sixteen *mingles*, and a *mingle* two pints of Paris, or about two quarts wine measure in England: so that an *anker* contains sixty-four pints of Paris, or about thirty-two gallons English measure. See *AEM*.

ANNABASSES, a coarse blanketing made in France for their Guinea trade, and in particular for that on the coast of *Angola*.

ANNO DOMINI, is the computation of time from the incarnation of our Saviour, which is generally inserted in the dates of all public writings; sometimes with,

and sometimes without the year of the king's reign. As the Romans made their computation from the building of the city of Rome, and the Grecians by Olympiads; so Christians, in remembrance of the happy incarnation of our Saviour, reckon their time from thence. The day of the month, the year of our Lord and Saviour Christ, and the year of the king's reign, are the usual dates of deeds. 2 *Inst.* 675.

ANNUITY, signifies a yearly rent to be paid for term of life, or years, or in fee; and it is also used for the writ that lies against a man for the recovery of such a rent, if it be not satisfied every year according to the grant. *Reg. Orig.* 158. F. N. B. 152.

An *annuity*, according to Lord Coke, is an annual sum of money granted to another in fee, for life, or years, which charges the person of the grantor only. *Co. Lit.* 144. b. The author of the *New Terms of Law*, defineth *annuity* to be a certain sum of money granted to another in fee-simple, fee-tail, for term of life or years, to receive of the grantor or his heirs, so that no freehold be charged therewith, and whereof a man shall never have assise, or other action, but a writ of *annuity*.

An *annuity*, strictly taken, is a yearly payment of a certain sum of money granted to another in fee-simple, fee-tail, for life or years, charging the person of the grantor only; if payable out of lands, it is properly called a rent-charge; but if both the person and the estate be made liable, as they most commonly are, then it is generally called an *annuity*. *Co. Lit.* 144. b. *Finch.* 161. 1 *Roll. Abr.* 226. *Doct. & Stud. Dial.* 2. cap. 30.

When *annuities*, payable yearly, half-yearly, &c. are not paid as they become due, such annuities are said to be in arrears; and, therefore, to find the value of an *annuity* in arrears, we must calculate what all these payments will amount to, allowing any rate of simple interest for their forbearance, from the time each particular payment became due: in order to this, put $u =$ the *annuity*, $t =$ the time it has continued unpaid, $R =$ the ratio, or interest for 1 l. for one year, and $a =$ the amount of the *annuity* and its interest.

Then, if $u =$ the first year's rent due with interest, Ru will = the interest, and $2u =$ the rent due at the end of the second year. And, consequently, $2Ru =$ the interest, and $3u =$ the rent due at the end of the third year; and $3Ru =$ the interest, and $4u =$ the rent due at the end of the fourth year: and so on for any number of years.

Hence it is evident, that $Ru + 2Ru + 3Ru + 4Ru + 5u = a$, the sum of all their rents and their interests, being forborn five years. From whence it follows, that $Ru + 2Ru + 3Ru + 4Ru = a - tu$. Here $t = 5$. Divide the equation by u , and we have $R + 2R + 3R + 4R = \frac{a - tu}{u}$.

In order to find the sum of this progression, put $z = R + 2R + 3R + 4R$, &c. Then $1 + 2 + 3 + 4$, &c. $= \frac{z}{R}$.

Here the sum of the first and last terms is $4 + 1 = 5 = t$.

And the number of all the terms is $4 = t - 1$. Therefore $\frac{t-1}{2} \times t =$ the sum of all the terms. That is,

$$\frac{t-t}{2} = \frac{z}{R} \quad \text{Hence,} \quad \frac{tR-tR}{2} = z. \quad \text{Consequently,} \\ \frac{tR-tR}{2} = \frac{a-tu}{2}.$$

From this equation the following theorems are easily and naturally deduced.

$$\text{THEOREM 1.} \quad \frac{tRu - tRu + 2tu}{2} = a. \quad \text{Or,} \quad \frac{tRu - tu}{2} \times R : \times tu = a.$$

$$\text{THEOREM 2.} \quad \frac{2a}{tR + tR + 2t} = u. \quad \text{THEOREM 3.} \\ \frac{2a - 2tu}{tRu - tu} = R. \quad \text{Let} \quad \frac{2}{R} - 1 = X. \quad \text{Then} \quad t = \sqrt{\frac{2a}{Ru}}$$

$$+ \frac{xx}{4} : - \frac{1}{2} x. \quad \text{THEOREM 4.}$$

By the help of these four theorems, all questions of this nature may be easily solved. Thus, for example:

Suppose 250 l. yearly annuity be forborn or unpaid seven years, what will it amount to in that time at six per cent. for each payment as it becomes due?

Here $u = 250$, $t = 7$, and $R = 1.06$, are given, to find a . Which is easily performed by THEOREM 1. For, first $250 \times 7 = 1750 = tu$; and $1750 \times 7 = 12250 = ttu$.

Again, $12250 - 1750 = 10500 = ttu - tu$. And $\frac{10500}{2} \times 0.06 = 315$. Lastly, $315 + 1750 = a = 2065$ l. the answer required.

Having shewn the method of finding the value of annuities in arrears, we shall proceed to explain the manner of finding the present worth of annuities, composed at simple interest.

The whole business of purchasing annuities, or taking of leases, &c. for an assigned time, depends upon the true equating of the principal, or money laid out on the purchase, with the annuity or yearly rent, by allowing the same rate of interest to both parties; which may be easily performed by carefully attending to what has been already said. For example, what is 75 l. yearly rent, to continue nine years, worth in ready money at 6 per cent. per annum, simple interest?

First, by Theorem 1. find what the proposed yearly rent would amount to, if it were forborn nine years at 6 per cent. which by the said theorem will amount to $837 = a$.

Then find what principal being put out to interest, for the same time, and at the same rate, will amount to 837 l. = a . See INTEREST Simple.

Thus $tR = 0.54 = 9 \times 0.06$. $tR + 1 = 1.54$, by which divide 837 , and we have $543.5064 = 543$ l. 10 s. 1½ d. the present worth of the annuity required.

In purchasing annuities or pensions, &c. and taking leases in reversion, it is very usual to allow compound interest to the purchaser for his ready money, and therefore, it is very requisite to understand it.

Let $\begin{cases} P = \text{the principal put to interest.} \\ t = \text{the time of its continuance.} \\ a = \text{the amount of the principal and interest.} \\ R = \begin{cases} \text{the amount of 1 l. and its interest for 1 year} \\ \text{at any given rate, which may be thus found:} \end{cases} \end{cases}$

Viz. $100 : 106 :: 1 : 1.06 = \text{the amount of 1 l. at 6 per cent.}$

Or $100 : 107 :: 1 : 1.07 = \text{the amount of 1 l. at 7 per cent.}$

And so on for any assigned rate of interest.

Then if $R = \text{the amount of 1 l. for 1 year at any rate.}$

$RR = \text{the amount of 1 l. for 2 years.}$

$RRR = \text{the amount of 1 l. for 3 years.}$

$R^4 = \text{the amount of 1 l. for 4 years.}$

$R^5 = \text{the amount of 1 l. for 5 years. Here } t = 5.$

For $1 : R :: R : RR :: RR : RRR :: RRR : R^4 :: R^4 : R^5$ &c. in $\div$.

That is, as one pound, is to the amount of one pound at one year's end, so is that amount to the amount of one pound at two years end, &c.

Whence it is plain, that compound interest is grounded upon a series of terms, encreasing in geometrical proportion continued; wherein t (viz. the number of years) does always assign the index of the last and highest term, viz. the power of R , which is R .

Again, as $1 : R :: P : PR = a$ the amount of P for the time that $R = \text{the amount of 1 l.}$

That is, as 1 l. is to the amount of 1 l. for any given time; so is any proposed principal (or sum) to its amount for the same time.

From the premises, I presume, the reason of the following theorems may be very easily understood:

Theorem 1. $PR^t = a$, as above.

From hence the two following theorems are easily deduced:

Theorem 2. $\left\{ \frac{a}{R^t} = P. \right.$

Theorem 3. $\left\{ \frac{a}{P} = R^t. \right.$

By these three theorems all questions about compound interest may be truly resolved by the pen only, viz.

without tables; though not so readily as by the help of tables, calculated on purpose.

ANNUITIES, or PENSIONS in arrear, computed at compound interest.

Suppose $u = \text{the first year's rent of any annuity without interest.}$

Then will $Ru + u = \text{the amount of the first year's rent and its interest; more the second year's rent.}$

And $RRu + Ru + u = \text{the amount of the first and second years rents, with their interest; more the third year's rent, \&c.}$

Here $RRu + Ru + u = a$ the amount of any yearly rent or annuity, being forborne three years. And from hence may be deduced those proportions:

Viz. $u : Ru :: Ru : RRu :: RRu : RRRu$, and so on in $\div$ for any number of terms or years denoted by t , wherein the last term will always be uR^{t-1} .

Consequently $a - uR^{t-1} = \text{the sum of all the antecedents.}$

And $a - u = \text{the sum of all the consequents in the series.}$

And, therefore, it will be $u : uR :: a - uR^{t-1} : a - u$. Ergo $au - uu = Rua - uuR^t$ which being divided all by u , will become $a - u = Ra - uR^t$.

From this last equation, it will be easy to raise the following theorems.

Theorem 1. $\left\{ \frac{uR^t - u}{R - 1} = a. \right.$

Theorem 2. $\left\{ \frac{Ra - a}{R - 1} = u. \right.$

Theorem 3. $\left\{ \frac{Ra + u - a}{u} = R^t. \right.$ If this equation

be continually divided by R until nothing remains, the number of these divisions will be t .

Again, $\left\{ \frac{a}{u} R - R^t = \frac{a - u}{u} \right.$ If this equation be resolved into numbers by a converging series, the root will shew the value of R .

By these theorems, all questions relating to annuities, computed at compound interest, may be solved.

Several ingenious mathematicians, as Dr. Halley, De Moivre, Sympson, &c. have explained the method of computing the expectation, or estimate of life; but it will be sufficient for our purpose, to mention that deduced by the great Dr. Halley from the monthly tables of the births and funerals in Breslau, the capital city of the province of Silesia. Whence he proves, that it is 80 to 1 a person of twenty-five years old will not die in a year: that it is $5\frac{1}{2}$ to 1, that a man of forty will live seven years: that a man of thirty years old may reasonably expect to live twenty-seven or twenty-eight years, &c. See *Philos. Transf.* N° 196.

Now, from these and the like proportions, be justly infers, that the price of insurance upon lives ought to be regulated: there being a great difference between the life of a man of twenty and one of fifty. For example, it is a hundred to one that a man of twenty dies not in a year, and but 38 to 1, for a man of fifty years of age. And upon these also depends the valuation of annuities for lives. For it is plain, that the purchaser ought to pay only such a part of the value of any annuity, as he hath chances, that he is living.

And for that purpose he hath taken the pains (which was not a little) to compute the following table, that shews the value of annuities for every fifth year of age to the seventieth.

Age.	Years purchase.	Age.	Years purchase.	Age.	Years purchase.
1	10,28	25	12,27	50	9,21
5	13,40	30	11,72	55	8,51
10	13,44	35	11,12	60	7,60
15	13,33	40	10,57	65	6,54
20	12,78	45	9,21	70	5,32

The same ingenious gentleman proceeds on, and shews how to estimate or find the value of two lives, and then of three lives.

The common method of purchasing annuities is at a certain number of years purchase; for which reason, the following tables may be useful to shew how long the annuitant must live, to be re-imburfed his principal money, which interest, at any given rates.

The table is very plain, as appears by this example. Suppose eleven years is given for an annuity.

years. days.				
Then if the annuitant lives	12	200	2	} per cent. per ann.
	13	9	2½	
	13	200	3	
	14	48	3½	
	14	286	4	
	15	190	4	
	16	134	5	
	18	188	6	
	21	264	7	
	27	201	8	
	53	160	9	
		he will be re-imburfed his principal, with interest, at the rate of		

The fractions of the year are made in days, for the greater exactness, though it is common for annuities to be paid either half yearly or quarterly.

A TABLE to calculate the value of annuities upon lives at 4l. and 5l. per cent. continuance of the lives to re-imburse the annuitants their purchase-money.

Years purchase given for a life.	At 4 per cent.		At 5 per cent.	
	years.	days.	years.	days.
1	1	15	1	19
2	2	46	2	58
3	3	95	3	121
4	4	163	4	209
5	5	252	5	327
6	6	364	7	113
7	8	137	8	303
8	9	304	10	172
9	11	138	12	92
10	13	9	14	75
11	14	286	16	134
12	16	246	18	285
13	18	261	21	189
14	20	340	24	247
15	23	132	28	151
16	26	18	32	360
17	29	19	38	322
18	32	167	47	71

To ANNUL, in book-keeping, signifies to render an article null by making it of no import in the account. It is chiefly in the Italian method of book-keeping by double entries, that this rule of annulling is practised: instead of erasing a sum that has been carried by mistake to the credit of an account, the account is debited for the same sum, and on the contrary, if a sum has been placed through mistake to the debtor side of the account, the same sum is placed to the credit of the account, and it is customary to mark the articles thus annulled in the margin with the same letters, as AA. or BB. after which the same sum is carried to the account, as it ought to have been if no error had happened.

ANODYNES, in physic, medicines which procure sleep, and ease from pain.

Among the principal of anodyne medicines, are all the medicinal preparations of the poppy, especially opium, which the ancients called the tears of the poppy, or meconium, which is an extract of the poppy procured by boiling.

Anodynes are, in some cases, of the greatest use, but they should always be administered with prudence and judgment.

Hoffman says, that sleep and anodyne medicines quench thirst; because they remove the stricture from the glands, and relax the ducts of the fauces, by which means a more plentiful effusion of moisture is procured to them.

But anodynes in a more lax sense, may signify all remedies which relieve pain. Thus a lancet may, not improperly, be said to be an anodyne; because, by evacuating a part of the blood, it mitigates inflammatory pains. Thus all relaxing remedies, diluters, and medicines which by any means destroy acrimony, or expel wind, are, in their effects, anodynes, when properly applied.

ANOMALISTICAL Year, the periodical time which the earth takes up in revolving round her orbit; whence it is also called the periodical year.

The anomalistical year consists of 365 days, 6 hours, 9 minutes, and 14 seconds; which is something more than the tropical year. This difference is occasioned by the precession of the equinoxes.

ANONA, Lin. Gen. Plant. 613. Guanabanus, Plum. Nov. Gen. p. 42. Tab. 10. Annona Rati Metb. Plant. 153. There are many species of this genus, which are natives in the warm parts of America, Africa, and Asia; some of which are esteemed for their fruits, which are usually served up at the tables of the principal inhabitants of the countries where they grow; and are, by the English in America, distinguished by the following titles; viz. custard-apple, paw-paw, sweet-sop, water-apple, &c.

ANONYMOUS, that which has no name. Partnerships in trade in France are stiled anonymous, when they are not carried on under any particular name, but wherein each of the partners trades visibly on his own account, and in his own name; after which, all the partners give one another on account of their profit or loss in trade. These sorts of partnerships are concealed, and known only to the partners themselves.

ANONYMOUS partnerships in trade, in France, are such, also, wherein persons of fortune and quality deposit sums of money, in order to share of the profit and loss. To this end, those who furnish the capital have no trouble in the carrying on the trade, nor do their names appear to be any way interested therein.

ANTARCTIC Pole, in astronomy, the south pole, or that point in the heavens, which the south-end of the earth's axis points to.

ANTARCTIC Pole, in geography, signifies the southern extremity of the earth's axis.

ANTARCTIC Circle, a lesser circle of the sphere, 23° 30' distant from the south pole, and parallel to the equinoctial.

ANTEDEATE, a falsified date, a date set down before the true one.

Antedates are of a very dangerous consequence in matters of trade.

ANTILLES Islands, lie in America, situate in the Atlantic ocean, between 59 and 63 degrees of west longitude from London, and between 11 and 18 degrees of north latitude. Some call these isles the Caribbees, from the first settlers, though this is a denomination that most geographers confine to the Leeward Islands, with regard to the usual course of the European ships from Old Spain, or the Canary Islands to New Spain; in which course they must necessarily pass between some of those islands.

They are commonly distinguished by the Great and Little Antilles. Besides the original natives, they are inhabited by Spaniards, or English, French, or Dutch, as they have happened to be possessed by them. We shall give an account of them, as they occur, in their alphabetical order.

ANTIMONY, a kind of mineral substance, composed of metallic particles combined with a sulphureous and stony substance.

Ores of antimony are found in many countries, and very plentifully in several parts of France. The glebes of antimony are dug out of the earth, mixed with a stony matter, and the pure mineral or metal is separated by breaking the glebe into small pieces, and afterwards treating it in the same manner as in refining other impure metals.

Nothing is more common than to observe, as it were, long and shining needles, on the surface of broken antimony; and that on which they are most distinct and visible, is esteemed the best. Sometimes these streaks are ranged with so much order, and branch out with so much regularity in certain directions, that even those that have daily

daily opportunities of observing this phenomenon, cannot help being struck with its beauty. The figures of the constituent molecules of this mineral may, possibly, contribute something to the formation of those needles: but the texture and configuration of the constituent parts will not alone account for the disposition of these streaks, and their arrangement with regard to each other; since upon breaking different lumps of the same *antimony*, and of the same shape, we often observe quite different arrangements of these streaks of needles. Let us take, for instance, equal masses of *antimony*, of a regular conical figure, because this mineral is generally melted in a species of crucibles which resemble a funnel, or an inverted cone. Let several of these conical masses be broken, each into several parts; and we shall find the needles of the same cone disposed in different directions, and varying in each different piece. In one of these masses, from a certain height, we may observe all the needles directed to the point of the cone; a little higher, the needles shall be horizontal, or nearly perpendicular to the former; above these we shall observe others which shall sometimes be all directed to some point of the base of the cone, and sometimes divide themselves into cones, which shall have different summits. In another of these masses, we shall not find the needles disposed in a horizontal direction, but running into conical parcels, in directions quite the reverse of each other; that is, one conical parcel shall have its summit pointed to the apex of the cone, and that of the other shall be directed to the base. In some lumps we shall perceive needles every where, in others we shall discover none at all. Often these needles appear in one part of the lump, when no such thing is to be seen in the rest. Very commonly we see them disposed in parcels of a conical figure, whatever the external form and shape of the lump is; for the internal cones have no dependence upon the external conical form of the common mass. Sometimes the needles are disposed along the sides of the cone, and their direction seems to follow the sides of the vessel in which they become fixed. Notwithstanding these varieties, the cause which contributes to the production and arrangement of these needles, is manifest; and, however little we may advert to it, seems to be owing to nothing else but that refrigeration, by means of which the mineral substance is changed from a fluid into a solid state. It is to this refrigeration, and its progress, that the needles of *antimony* owe their production and direction: any substance, whose fluidity depends only on the gross particles of the fire, which separate and agitate its constituent molecules, resumes its former solidity, when it is left to itself, and when the particles of the fire is dissipated: now these cannot possibly be dissipated but successively, and in a certain order, which is generally such, that those parts of the melted substance, which are either next to the sides or the mouth of the crucible, first assume a consistence; then the molecules next to these become fixed, and so on till the whole mass loses its fluidity: now each fixed molecule applies itself so much the more effectually and necessarily to that which is contiguous, as the contact of each fixed molecule, with that which is contiguous, contributes not a little to fix it, and deprive it of motion.

Molecules successively added to each other, form a kind of fibres, threads, or needles, the directions of which shew the particular order in which the refrigeration has been carried on. If the crucible was of the shape of a hollow bowl; if its sides were, every where, equally thick, equally warm, of the same consistence, and equally acted upon by an air equally cold; and if the melted substance was of the same uniform nature in all its parts, all the needles, or fibres, would be so many rays terminating in the center of the bowl. If the substance was such, that its fixed particles were almost all of a length, we should find, also, concentric beds of needles, formed by parcels of each ray, at an equal distance from the center.

But as so many remarkable circumstances do by no means occur in the ordinary refrigeration of *antimony*, neither is it possible they should: hence the regularities we have been speaking of must necessarily arise. *Reaumur. Mem. de l'Acad. Roy. 1724.*

A great many excellent medicines are furnished by this mineral to the practice of physic. Hence it has become a very important subject, so that many volumes have been written concerning it. The empirics derive most of their boasted secrets from this mineral, as is evident from the irregularity of their operations; for *antimonial remedies* have this peculiar property, that they will, sometimes, operate with great violence; and, sometimes, even in the same dose, and same person, without any apparent alteration of circumstances, shall have no visible operation.

The most common preparations of *antimony* are, the *liver of antimony*, *crocus metallorum*, *emetic tartar*, *glass of antimony*, and the *flowers, butter, and cinnabar of antimony*; the powder of *algarath*; the *universal panacea*, *bezoar mineral*; *diaphoretic antimony*: *kermes mineral*.

Antimony is composed of two or three parts of sulphur, not at all different from the common sort, and one of a white, brittle, femimetallic substance. This mineral easily melts, and in a great fire proves totally volatile. Calcined with a moderate heat, and at length melted, it runs into a reddish glass, capable of giving a strong emetic quality to wine. Fused along with fixed alkaline salts, or boiled in a strong lixivium of them, the more sulphureous parts are first taken up, and at length, the reguline in notable quantity. *Regulus of antimony* is soluble in the vitriolic acid, corroded by the nitrous, perfectly dissolved by *aqua regia*, and the concentrated acid of common salt, but not by vinegar, or the vegetable acids; though these latter extract enough from it to become powerfully emetic. Crude *antimony* in powder, considered as a medicine, has no sensible effect; though perhaps this may be owing to the gross manner in which it is usually prepared; for I have seen notable effects from it when finely levigated. Many of the preparations of this mineral are most violently emetic, which yet by a slight alteration, or addition, lose their virulence, and become either gently purgative, or powerfully diaphoretic. *Lewis.*

Of the application of ANTIMONY to metallurgy.

What the *regulus of antimony* is capable of performing in the way of improving metals, we may learn, says Dr. Stahl, from *Kern der Alchymie*, who informs us, (1.) That the simple *regulus* being mixed or melted along with silver, and then evaporated, leaves the silver enriched with a few grains of gold; and, (2.) That the *crocus metallorum*, or the *scoria*, obtained in the preparation of the simple *regulus*, being edulcorated and cemented with silver, and lastly melted into it, by a continued fusion of several hours, renders the silver something of a golden nature.

This reguline substance of *antimony* may likewise be commodiously employed in the extraction of the metallic sulphurs, as they are called, and their purification from all terrestrial heterogeneous *faeces*; whence the compound metallic *regulus*, viz. the martial, the venereal, and the jovial arise. There are some who question, whether these compound *reguluses* do actually participate of any thing from the metal wherewith they are prepared; and suspect there is no more performed in this case, than a bare absorption of the sulphur abounding in the *acrimony*, upon which the reguline part subsides alone. The meaning whereof is this, that the reguline substance, confusedly intermixed with a large proportion of adhering sulphur, is what makes *antimony*; and that, if this sulphur be taken away, the remainder becomes *regulus* again: whence, as the subjects which easily take away this sulphur from *antimony*, are alkalies, iron, copper, tin, and lead, any one or more of these, being added to *antimony* in fusion, ought, upon that supposition, only to receive or imbibe the sulphur, and leave the *regulus* pure and unmixed, collected in a metallic form at the bottom.

This opinion is overthrown, by numerous experiments and instances to the contrary. For example, if any such metallic *regulus*, though made ever so pure, be simply evaporated by the blow-pipe, upon a coal, it leaves a pure grain of metal behind it, which, upon the proof, is found to be gold or silver,

So likewise the martial *regulus* in particular, being melted in a crucible, with the addition of coals, or common sulphur, and detained for some time in the fire, a ruddy powder or flowers evaporate or sublime from it, which nearly approach to the nature of cinnabar: and, if digested with a menstruum consisting of three parts of distilled vinegar, and one of *aqua fortis*, it affords a green extraction; but nothing of this kind happens in any of the cases, when only the simple *regulus* is employed.

This extraction of the pure metallic sulphur deserves to be the more attentively considered; because *Becher* expressly advises us to beware of using corrosive, saline menstrua for this purpose, as they might easily, together with the useful part of the *regulus*, or rather of the iron or copper, corrode and extract also the useless, earthy, and styptic part; which, upon melting them together, would again accrete to the useful part, and conceal or disguise it under its former ignoble veil.

But this separation is excellently performed by the *regulus* of antimony itself; there being no danger that this should imbibe any of the terrestrial, styptic substances. But if there be any suspicion, that such a compound *regulus* should still contain something of the crude substance of the metal, as we usually find to be the case in the martial *regulus*, melted in a strong heat, and suddenly poured into the cone; or if the *antimony* employed contained but little sulphur, or only so small a proportion was used as could not totally corrode the metal; whence the *regulus* becomes porous, less leafy, and less bright and shining, but rather appears discoloured and grey, and of itself indisposed to flow, unless the fire be made very intense; and whence also the venereal *regulus* turns ruddy or livid in the space of a few days: in these cases the *regulus* is to be beat again, mixed with its own, or a half more than its own weight of crude *antimony*, and thrown into a well ignited crucible, and fused with a very good heat, so as to make the matter run very thin, in which state it is to be directly poured; and, by this means, the *antimony* again imbibes all the crude metal that still adhered to the *regulus*, and thus at a single operation renders it highly pure and bright: an effect, which in the common way with nitre, is not obtained without a deal of trouble.

It must be further observed, that this reguline substance of *antimony* is convertible into various forms and shapes. Thus, for example, it is turned to a fixed, to a volatile, and to an intermediate substance, in the different preparations of diaphoretic ceruse, bezoar, mineral flowers, mercurius vitæ, glass of antimony, &c. from all which the *regulus* may not only be recovered again, but any one of them may likewise be converted into any other, or made to travel successively through all the various forms of the rest.

If the *regulus* of *antimony* be reduced to fine powder, and calcined in an open vessel, so as that the bottom may remain ignited for several hours, this is turned into a kind of grey powder.

And here there occurs a remarkable phenomenon, which has occasioned much speculation among chemists, viz. that the *regulus*, notwithstanding its constant evaporation, or sublimation, in the form of a fine fume, is found to gain in weight; so that, for example, if an ounce of the powdered *regulus* were thus committed to calcination, it becomes, at the end of the operation, heavier, by half a drachm, or a drachm, than it was at first; and this at the same time that it is contracted in its bulk. And, if the powder thus calcined be melted with a sufficient degree of heat, it turns to a kind of purple glass, somewhat purer than that prepared from common *antimony*.

If a quantity of charcoal, in gross powder, be added to this glass, and the method of reduction practised in a close vessel, with a fire of fusion continued about an hour, more or less, according to the quantity of the matter; when, after this, the vessel comes to be broken, the glass will be found reduced to metallic *regulus* again.

The use of ANTIMONY in regard to gold.

All the metals, except gold, are subject to an attenuated resolution by *antimony*; so that, if any thing of gold

be contained in the other metals, it may by this means be separated from them.

The separation, thus procured by *antimony*, *Becher* considers barely as the effect of gravity; on account whereof he thinks the *antimony* comes to resolve and collect together all the metals, which, being lighter than gold, continue to float above it.

But this opinion is not without difficulties. For, first, When nothing but pure gold is melted along with *antimony*, the *antimony* still lets go the gold in the same manner; though, by the supposition, it should only do this upon the mutual fusion of other metals along with the gold. Secondly, But the principal objection is, that gold will subside in *antimony*, without mixing at all considerably therewith; whilst the same *antimony* remains most tenaciously interpersed in the bodies of all other metals, where it does not act by its bare gravity alone, as we evidently see in the case of lead; for, if lead be found along with *antimony*, and little plates of silver be thrown into the melted mass, the lead will not, by that means, be precipitated, but rather the silver freely subsides into the *regulus*, which is no way touched by the *antimony*; whilst the *antimony* detains the lead, a matter whereto it may adhere more firmly than to silver.

It is however true in practice, that, when *antimony* is melted with iron; for instance, either alone, or according to other methods before mentioned, the iron thus subtilly dissolved may be brought to enrich the body of the silver, or to deposit a grain or two of gold therein; as may be discovered by adulterating the *scoria*, stratifying it with silver plate, and cementing them both together for some hours in a close vessel, the fire at length being so far increased as to make the matter flow for some hours longer; after which it is to be taken out, beat from its *scoria*, refined, and proved by the depart.

The reason of which effect proceeds hence, that the latent gold naturally contained in iron, being now very subtilly divided and diffused therewith, comes, in the course of this long continued fusion and ebullition, to be a thousand times tossed and agitated every where about therein, so as of necessity sometimes to infringe upon, and unite with, the particles of the silver, which now make part of the mixture; and, being once lodged among them, they cannot afterwards be touched either by the *antimony*, or the iron; so that the gold, thus defended, wants only for its manifestation to be perfectly separated from the *scoria*, and collected together in its natural form, by the proper operations for that purpose. See the article REFINING.

But it is also apparent at the same time, that the *scoria* here formed by the *antimony* corroded with the metal, when they come to be joined together, are lighter than the rest of the metal which remains corroded, and floats above it in the nature of scum.

The theory of *Becher*, therefore, may very well be admitted in this sense, that all metals, but gold, being corroded by *antimony*, that metal, on account of its superior specific gravity, falls to the lowest place.

This explanation may be further illustrated by the following experiment. To an ounce of melted silver, throw two ounces of *antimony*; and, when they have flowed very thin together, pour them out; upon which the *antimony* will be found at top, together with about a dram of the silver it has corroded, in the form of a spongy *scoria*, whilst the rest of the silver that is not thus dissolved, remains close and heavy, like *regulus*, at the bottom.

The ultimate refinement of gold is by fusing it thin with twice its own weight of *antimony*; wherein the *antimony* bears away, and imbibes the substance of all the other metals, but leaves the gold untouched; which, therefore, as the heavier body, falls like a *regulus* to the bottom of the melting cone. It is remarkable in this operation, that a very little portion of *antimony*, so little as can scarce alter the weight of the gold, adheres tenaciously to the surface thereof, and covers its native colour with a whiteness; whence it is commonly said, that the fume of the *antimony* here turns the gold white. The *regulus* is again to be purged from this accretion by the blast, which will drive the little additional matter off in *scoria*, or exhalation.

These

These are the chief uses wherein *antimony* is applied in metallurgy; and besides its medicinal uses, it is employed by several artificers to give the silver found to tin, in casting bells, making metalline specula, and types for printing, &c.

ANTIPODES, in *geography*, such inhabitants of the earth as live diametrically opposite to each other.

Thus, if a line was continued down from our feet through the center of the earth 'till it arrived at the surface on the other side, it would fall on the feet of our *antipodes*, and *vice versa*. Our *antipodes* have summer when we have winter, and winter when we have summer; day when we have night, and night when we have day; for as we have both the same horizon, the sun must rise to the one, when he sets to the other.

It was formerly looked upon as absurd and ridiculous to assert that there were people who walked with their feet towards ours, and the ancient fathers *St. Augustine* and *Laëtantius* strenuously denied it; but our voyages to the East-Indies, the South-Sea, and other parts of the world, have sufficiently demonstrated the existence of the *antipodes*.

ANTISCHII, in *geography*, are those inhabitants of the earth which live in two places under the same meridian equally distant from the equator; the one on the north, and the other on south-side thereof.

Therefore the one will have summer, when the other has winter; and *vice versa*; and when the days are longest with the one, they are shortest with the other. And because they have both the same meridian, it will be noon, midnight, &c. with both at the same time.

ANTOECCI, in *geography*, are the inhabitants of the earth, which live under the same semicircle of the same meridian, but on different sides of the equator, viz. the one north, and the other south; and at equal distances from that circle.

These have noon and midnight, and all hours at the same time, but contrary seasons of the year; that is, when it is spring with the one, it is autumn with the other; when summer with the one, winter with the other. And the days of the one are equal to the nights of the other, and *vice versa*.

ANTRIM, in Ireland, is sufficiently fruitful, and is one of the five counties that are fully employed or embarked in making linnens; its chief town *Carrickfergus* (or *Knockfergus*) is very rich, populous, and a place of good trade, being commodiously situated for it on a bay of the name, with an excellent fine harbour; to which we may add *Bellfast*, about eight miles distant, seated at the mouth of *Lagen-Water*, which is a thriving town, and daily improving, having had three hundred and seventy-five of vessels (with 9180 tons) appertaining to it in 1723.

ANTWERP, a remarkable city in the Netherlands, on the river *Schelde*, and the capital of the province, called the marquisate of the holy empire.

Though the trade of this city is still very considerable, it certainly is at present but the shadow of that which flourished there formerly. The stately and famous house of the *Easterlings*, or as the natives call it, of the *Oosterlinghen*, shews the extent of that trade. It was built in the year 1568, for the convenience of the merchants coming from the Baltic. It is a square stone building, 250 feet broad, with warehouses on the top for dry goods, and cellars below for wet. In the middle story, which has a gallery quite round the square, are 300 lodging rooms for merchants. But now this noble structure is turned into a horse-barrack; the cellars serve for stables, and the rooms above for hay-lofts. The vast warehouses in that building, which are perhaps the largest in the world, wherein each nation deposited their merchandizes, will be an everlasting testimony of that extensive commerce, which, though divided between Amsterdam, Rotterdam, and the other trading towns of the United Provinces, is yet sufficient to enrich them all, and give them the reputation of driving the greatest trade in Europe.

There are kept at *Antwerp* several free fairs, which draw thither merchants from all parts. The most considerable of these fairs are those kept at *Whitsuntide*, and between the festivals of *St. Remigius* and *St. Bavo*.

The bleaching-grounds in the neighbourhood of this city are in very great repute; and the opinion people have, that the waters of the little river *Schenith* are more proper than any others for the bleaching of linnen, is the reason why they send linnens thither from the remotest parts of the Austrian Netherlands.

The manufactories of wrought tapestries are very famous.

They also continue to excel here in the art of printing; and though it be certain that this art is much decayed here since the famous *Plantin*, who had almost brought it to a degree of perfection, yet it is certain that the printers of *Antwerp* are not unworthy to be styled the successors of so great a man.

The most considerable manufactory established at *Antwerp*, and which chiefly supports its trade, is that of *thread-lace*, so well known every where under the name of *Mechlin-lace*. It is hardly possible to imagine what vast quantities France and Holland buy yearly of this commodity, as well as of all sorts of thread, the spinning of which is excellent in this city, and in its neighbourhood. The merchandizes which foreigners, and especially the French and the Dutch, send thither, and which sell best, are,

All sorts of gold, silver, and silk stuffs; broad cloths, and other woollen stuffs; spices, pot-ashes and lees; wines and brandies; salt from France, Spain, and Portugal; herrings and stockfish; oil of olives, train oil, and seeds; painted linnens and muslins; sugars, either refined, or in powder.

There are two sorts of money, both at *Antwerp*, and throughout all *Brabant* and *Flanders*; or rather it is the same under different denominations. The one is called money of exchange, and the other current money.

According to this distinction, the *patagon*, or *rix-dollar*, is worth eight *schellingen*, or forty-eight *stivers*, exchange-money, and but seven *schellingen* current-money: and a pound grofs of six *guldens* exchange-money, makes seven *guldens* current-money: so that you must pay 116 *guldens*, and $\frac{2}{3}$ current-money to make 100 *guldens* exchange-money; and 116 pounds grofs and $\frac{2}{3}$ current-money to make 100 pounds grofs exchange-money.

Merchants keep their accounts at *Antwerp* in pounds, *schellings*, and groots grofs Flemish. The pound grofs is of twenty *schellings*, and the *schelling* twelve groots; the groot is half a *stiver*.

The pound at *Antwerp* is about five per cent. lighter than that of *Amsterdam* and *Paris*: so that 100 pounds weight at *Antwerp* make 95 and $\frac{1}{2}$ in those two cities; and 100 pounds of these two cities make 105 pounds at *Antwerp*.

As for long measure, 100 ells at *Antwerp* make 101 $\frac{1}{2}$ at *Amsterdam*; and 100 ells of *Amsterdam* make 98 $\frac{6}{7}$ at *Antwerp*, or very near 98 $\frac{1}{2}$.

They draw from *Amsterdam* upon *Antwerp*, and from *Antwerp* upon *Amsterdam*, in pounds grofs, and in *guldens*, commonly at a few day's date, and sometimes at one or two usances, or months. The exchange is often at par, and oftener still at two or three per cent. loss for *Antwerp*.

ANVIL, a large mass of iron, used by several handicrafts, who work and forge, or hammer metals, particularly by the silversmiths, blacksmiths, locksmiths, farriers, armourers, &c. There are two sorts of anvils: some are forged, and others cast; the former are made by the blacksmiths, and the latter are cast in the foundaries. The best are those which are hammered, and the upper part of which is steel.

Anvil-smith, a boy designed for this trade needs only the common education of reading, writing, and arithmetic, and no great mental abilities are necessary; the whole secret of the art consisting in the just knowledge of tempering the steel he uses. It however requires a considerable degree of strength.

The *anvil-smith* makes anvils, hammers, &c. for the workers in metals. These are made of iron faced with case-hardened steel, well polished, according to the nature of the work for which they are designed. The fums given with an apprentice are from five to 20 l. It is a very profitable business for the master, and like common smith's work to the journeyman.

APENZEL, is the principal town of the Canton in Switzerland, named therefrom, which is very rich in meadows and pasturage, fitly adapted to the breeding of many cattle, in which this territory abounds; they also grow here a great deal of hemp and flax, which serves the inhabitants for a winter's employ in making linnens, sold afterwards to St. Gall, but little distant herefrom.

APHRONITRE, a kind of natural salt-petre, gathering, like an efflorescence, on old walls, now commonly called salt-petre of the rock. See **SALT-PETRE**.

APIARY, a place where bees are kept, furnished with all conveniences necessary for that purpose. It should be sheltered from high winds on every side, and well defended from poultry, &c. whose dung is offensive to bees.

APOCYNUM, *dogs-bane*. This genus of plants is, by Mr. Ray, placed in his eighteenth class, intitled, "Herbs with many seed-vessels succeeding each flower." Doctor Tournefort ranges it in his first "class of plants, with a monopetalous bell-shaped flower, whose pointal changes into a fruit composed of several sheaths, or husks." Doctor Linnæus places it in the second division of his fifth class of plants, intitled, "Pentandria Digynia."

In the native country of their growth, these plants are generally found in woods, where they twist themselves about the neighbouring trees, and climb to the height of thirty or forty feet. They produce their flowers in July, and their seeds ripen in January following.

The down, which adheres to all the species of *dogs-bane*, is very soft and elastic; so that if it be pressed close together, no sooner is the weight removed from it, but it expands to its former bulk. This is much used in France for stuffing of cushions and pillows, being extremely light and soft. It is there called *de la Wade*. In England it hath been much used for quilts, being very proper for persons who are troubled with the gout, who cannot bear any weighty covering over them; this being very warm, yet so light as not to be felt, or occasion any pain. But as this down cannot be had in large quantities from English growth, so those persons who are desirous to have it, must procure it from America, where several species do grow in great plenty.

APOCHYLISMA, in *pharmacy*, the juice of vegetables extracted and inspissated, answering to the official word *rob*.

APOSTOLORUM unguentum, in *pharmacy*, a vulnerary ointment, so called from its being composed of twelve ingredients, the number of the *apostles*.

APOTHECARY, one who practises the art of pharmacy, which is that part of physic consisting in the choice, the due preparation, and mixture of medicines.

This is a very genteel business, and has been in great vogue of late years, there being, as has been computed, upwards of 1000 in and about London. There are, in this profession, various degrees, as to employ and extent.

Some do little else but make up medicines, according to the prescription of the Dispensatory (compiled by the order of the College of Physicians, for their direction) and those of particular physicians, besides visiting their patients.

Others not only prepare almost all kinds of medicines, as well *galenical* as *chemical*, but likewise deal in drugs; with all which they supply their brethren in trade, and so become a sort of wholesale dealers, as well as *apothecaries*.

Others, again, practise surgery, man-midwifry, and, many times, even officiate as physicians, especially in the country, and often become men of very large practice, and eminent in their way. There is another branch, also, many of them fall into, which is that of curing lunatics, &c.

If the *apothecary*, according to the original of that profession, only mixes medicines as directed by the doctor's bill, it requires only a slight knowledge of the Latin tongue, with the names of the several drugs, and the art of compounding them: but if he be considered as performing the office of the physician and the surgeon, in prescribing to patients, his natural abilities ought to be

the same with those of the doctor, and his education almost equally liberal. He should have a genteel person and behaviour; for one who has naturally the clumsiness, the walk, the air, or the blunt rudeness of a plowman, can never be fit for this genteel profession. The youth who desires to be an *apothecary* should also have a clear head, a retentive memory, great readiness of address, an obliging disposition, and a compassionate heart. He should before he goes apprentice be well versed in the learned languages, particularly in Latin; and before he is out of his time should become acquainted with anatomy, botany, and chemistry, and not only know the names, but the qualities of drugs. Where this is the case, he may be considered as a physician who mixes up his own medicines, and acts without a diploma.

Let the parent then who designs to make his son an apothecary, give him an early and liberal education; and it is proper that in the course of his apprenticeship, or before he sets up for himself, he should attend some anatomic, botanic, and physical lectures, at least for two seasons. I would also advise him to begin, while an apprentice, to take private memorandums, for his own future use, of the cases that fall within his notice, the medicines administered, and their success upon the patient. And thus he will be enabled to rely on his own judgment: but instead of being in great haste to set up for himself, it is most advisable, even though he has a considerable fortune to begin with, to serve a few years as a journeyman under a master of great reputation and practice; by which means he will increase his knowledge, and become better qualified for the humane and noble employment of administering health to the sick. One of the most essential qualities of a good *apothecary* is, that he should be naturally of a compassionate disposition: this, which is his duty, will contribute to his success in business, and his making a figure in life. Let his behaviour on all occasions be mild and obliging. Let him attend the poor without a prospect of gain; and, with respect to the rich, instead of swelling his bills by enormous doses, and pompous unavailing recipes, it is much more honest and humane, to charge the medicines in his bill at such a price as will sufficiently pay for his skill and attendance.

The sums given with the youths who go apprentice to this business are from 20 l. to 100 l. according to the station and reputation of the master. A journeyman has from 10 l. to 40 l. a year, and his board; and he may set up with 100 l. But he ought to have money to maintain him till he gets a good set of patients. An *apothecary* endowed with the least degree of honesty will always have the best drugs that can be purchased; since on their goodness depend the health, and even the lives, of his patients.

In London they are one of the city companies, and were first incorporated with the grocers in the year 1606, in the reign of king James I. but not alone 'till 1617.

They have a hall, where there are two fine laboratories, out of which all the surgeons chests are supplied with medicines for the use of the royal British navy.

In the year 1712, the tenth of queen Anne, an act passed for reviving and continuing several acts therein mentioned, one whereof was for exempting the *apothecaries* from serving the offices of constable and scavengers, and other parish and ward-offices, and from serving on juries: which act was made perpetual in the ninth year of George I.

The *apothecaries* in England are obliged to make up their medicines according to the form prescribed in the Dispensatory of the College of Physicians, and are under an obligation to have those there enumerated always ready in their shops; and their shops are liable to be visited by the censors of the college, who have it in their power to destroy such medicines as they judge not to be good.

Apothecaries to the army are to make up their chests of medicines at *Apothecaries-hall*, there to be openly viewed, &c. under the penalty of 40 l. *Stat. 10 Ann. cap. 14. 10 Geo. 1.*

APPARATOR, or **APPARITOR**, a messenger that serves the process of the Spiritual-court: his duty is to

cite the offenders to appear; to arrest them; and to execute the sentence or decree of the judges, &c. *Stat. 21 Hen. VIII. cap. 5.*

If a monition be awarded to an *apparitor*, to summon a man, and he upon the return of the monition avers that he had summoned him, when in truth he had not, and the defendant be thereupon excommunicated; an action on the case at common law will lie against the *apparitor* for the falsehood committed by him in his office, besides the punishment inflicted on him by the ecclesiastical court for such breach of trust. *Ayl. Parerg. 70. 2 Bull. 264.*

Action upon the case, for that the defendant an *apparitor* under the bishop of Exeter, maliciously, and without colour or cause of suspicion of incontinency, of his own proper malice, procured the plaintiff *ex officio*, upon pretence of fame of incontinency with one *Editb* (whereas there was no such fame nor just cause of suspicion) to be cited to the Consistory-court, and there to be at great charges and vexation, until he was cleared by sentence; which was to his great discredit, and cause of great expence and losses; for which the action is brought. Upon Not Guilty pleaded, and found for the plaintiff, it was moved in arrest of judgment, that in this case an action lieth not; for he did nothing but as an informer, and by virtue of his office. But all the court held, forasmuch as it is alleged, that he did maliciously and without colour of suspicion cause him to be cited, upon pretence of fame where there was no offence committed; and it is averred, that there was not any such fame, and he is found guilty thereof, therefore the action well lieth. *Cro. Car. 291.*

APPEAL, is frequently used for the removal of a cause from an inferior court or judge to a superior. *Cowell.*

APPEALS, *about prizes.* His majesty, *Geo. II.* in order to bring *appeals* from sentences in causes of prizes, pronounced in the courts of Admiralty, to a speedy determination, did, by his commission, bearing date the 11th of July, in the twenty-second year of his reign, revoke a former commission, granted to all his majesty's then privy-counsellors, and all other his privy-counsellors for the time being, during pleasure; and did also by the same commission, appoint all his privy-counsellors then being, as also Sir Thomas Parker, knight, lord chief baron of the Exchequer; Sir Martin Wright, Sir Thomas Dennison, and Sir Michael Foster, knights, justices of the court of King's-bench; Sir Thomas Abney, Sir Thomas Burnet, and Sir Thomas Birch, knights, justices of the court of Common-pleas; Charles Clark, Edward Clive, and Heneage Legge, esquires, barons of the court of Exchequer, and the chief baron of the Exchequer, for the time being, to be commissioners for hearing and determining such *appeals* during pleasure, &c. And as some objections have been raised, against the last mentioned commission, on account of the lord chief baron of the Exchequer, the justices of the King's-bench and Common-pleas, and the barons of the Exchequer, who were not of the privy-council, being joined therein; It is therefore enacted, That the said commission, and all the powers granted therein, shall be deemed good in law; and the commissioners, as well as the said lord chief baron, and the said justices and barons therein named, and the lord chief baron of the Exchequer, and the justices of the King's-bench and Common-pleas, and the barons of the Exchequer for the time being, although they should not be of the privy-council, are empowered, during his majesty's pleasure, to receive and determine all such *appeals*, and to use all other jurisdictions, according to the true intent of the said commission.

No sentence, upon the hearing of any such *appeal*, shall be valid, unless a majority of the commissioners present be of the privy-council.

APPIOS, the seed of a plant that comes from the Levant, particularly from the isle of Candia. Its stalks are very thin, and reddish: its blossoms are pretty much like those of rice. Its seed, which is very small, is one of the commodities sold by the wholesale grocers in France and Holland.

Appios pays in France fifty sols duty of importation per 200 weight.

APPLES. A duty is laid on all *apples* imported into Great-Britain, to be paid before landing thereof, by *statute 10 Geo. II. cap. 27.*

APPOSALS of *sheriffs.* The charging them with money received upon their accounts in the Exchequer. It is used in *stat. 22, and 23 Car. II.*

APPRAISER: The *appraising-business* is generally joined to that of the upholsterer, and of the brokers in household goods; and they are called *sworn appraisers*, from their having taken an oath to do justice between the parties who employ them. As none are then taken apprentice merely to the business of *appraising* goods, we need not mention the qualifications of a youth to fit him for it. We shall only observe, that the *appraiser* ought to join to a good deal of experience in the value of goods of all kinds, great integrity and impartiality. Those of this business are employed in cases of death; executions brought upon goods, or of stock to be turned over from one person to another, or divided between partners. They sometimes *appraise* jointly, each party agreeing to have the same *appraiser* or *appraisers*; sometimes, in opposition, each party choosing one or more of a side, and sometimes, by commission, or deputation of trustees, masters in chancery, &c. In these cases each of them takes a particular inventory of the goods, with the value of each; and when they have gone through the whole, they give their estimates in a gross sum. When different *appraisers* value against others, if they happen to differ much, they re-consider, and at length commonly come to an agreement. They generally value every thing very low, not out of respect to any of the parties, but because they are obliged to take the goods, if it is insisted on, at their own *appraisement*, and great part must inevitably lie upon their hands as dead stock; consequently if they give nearly the value they are of to the consumer or user, they must be losers. *Stat. 13 Edw. I.*

APPRENTICE, signifies with us one that is bound in word or writing, to serve another man of trade for certain years, upon condition that the artificer or master shall in that mean time endeavour to instruct him in his art or mystery. *Smith de Rep. Ang. lib. iii. cap. 8.* saith, They are a kind of bondmen, differing only, that they are servants by covenant, and for a time.

Who are capable of binding themselves apprentices:

It is said, that if a married man and his wife do bind themselves to serve, they shall be compelled thereto, according to their covenant or agreement; and that if a woman who is a servant shall marry, yet she must serve out her time; and her husband cannot take her out of her master's service. *Dalt. c. 58.*

It seems clearly agreed, that by the common law infants, or persons under the age of twenty-one years, cannot bind themselves *apprentices*, in such a manner as to intitle their masters to an action of covenants, or other action for departing from their service, or other breaches of their indentures; which makes it necessary, according to the usual practice, to get some of their friends to be bound for the faithful discharge of their offices, according to the terms agreed on. *11 Co. 89. b. 2 Inst. 379, 580. 3 Leon. 63. Faresl. 15.*

But by the *5 Eliz. cap. 4. sect. 42, 43*, it is enacted in the words following. "And because there hath been, and is some question and scruple moved, whether any person being within the age of twenty-one years, and bounden to serve as an *apprentice* in another place than in the said city of London, shall be bounden, accepted, and taken as an *apprentice*; for the resolution of the said scruple and doubt, be it enacted by the authority of this present parliament, that all and every such person or persons, that at any time or times from henceforth shall be bounden by indenture to serve as an *apprentice* in any art, science, occupation, or labour, according to the tenour of this statute, and in manner and form afore said, albeit the same *apprentices*, or any of them, shall be within the age of twenty-one years at the time of making their several indentures, shall be bounden to serve for the years in their several indentures contained,

as amply and largely to every intent, as if the same apprentice were of full age at the time of making such indentures; any law, &c."

But notwithstanding this statute, it hath been held, that an action of covenant is against an apprentice, for departing from his master's service without licence, within the time of his apprenticeship; where the defendant pleaded, that at the time of making the indenture he was within age; and on demurrer to this plea, it was argued, that this indenture should bind the infant, because it was for his advantage to be bound apprentice, to be instructed in a trade; it was also urged, that he was compellable by 5 *Eliz. supra*, to be bound out an apprentice; but all the court resolved, that although an infant may voluntarily bind himself an apprentice, and if he continue an apprentice for seven years, he may have the benefit to use his trade; and yet neither at the common law, nor by any words of the above-mentioned statute, a covenant or obligation of an infant, for his apprenticeship, shall bind him; but if he misbehave himself, the master may correct him in his service, or complain to a justice of peace, to have him punished, according to the statute; but no remedy lieth against an infant upon such covenant. *Cro. Car. 179. Cro. Jac. 194. S. P.*

By the custom of London, an infant unmarried, and above the age of fourteen, may bind himself apprentice to a freeman of London, by indenture with proper covenants; which covenants, by the custom of London, shall be as binding as if he were of full age. *Moor. 134. 2 Bulst. 192. 2 Roll. Rep. 305. Palm. 361. 1 Mod. 271. 2 Keb. 687.*

Manner of binding, and who are compellable to be bound apprentices; and of settling differences between masters and apprentices.

A person cannot be bound an apprentice without deed. *1 Salk. 68.*

And an apprentice must be retained by the name of an apprentice expressly, otherwise he is no apprentice, though he be bound. *Dalt. c. 58.*

And as an apprentice can only be bound by deed, so it is necessary, according to the custom of some places, that such deed or indenture be inrolled; as in London, if the indentures be not inrolled before the chamberlain within a year, upon a petition to the mayor and aldermen, &c. a *fiere fac'* shall issue to the master, to shew cause why not inrolled; and if it was through the master's default, the apprentice may sue out his indentures, and be discharged; otherwise, if through the fault of the apprentice, as if he would not come to present himself before the chamberlain, &c. for it cannot be inrolled, unless the apprentice be in court and acknowledges it. *2 Roll. Rep. 305. Palm. 361. 1 Mod. 271.*

But it hath been held, that this custom does not extend to one bound 'prentice to a waterman, under twenty-one years of age; for the company of watermen are but a voluntary society, and being free of that does not make one free of London. *6 Mod. 69.*

By the statute 5 *Eliz. cap. 4. sect. 25.* an apprentice must be bound by deed indentured.

An action was brought against the defendant, for enticing away and detaining the plaintiff's apprentice, who had agreed by writing to serve the plaintiff for seven years. Upon evidence it appeared, that the stile of the writing began, "This indenture, &c." but, in fact, the parchment was not indentured, but was a deed poll. On exception taken to the deed, it was insisted that the young man was not an apprentice, because he was not bound by indenture. An infant can be bound no other way than as the statute of 5 *Eliz.* directs, which is by indenture, and nothing can make this good. This deed cannot now be indentured, for that would be forgery. Therefore unless the plaintiff shews the apprentice to be of full age at the time of signing such deed, he cannot be accounted his apprentice, and by consequence no action can lie for detaining the apprentice; neither can the plaintiff prove him to be his servant by this deed, for he has declared for an apprentice, and must prove him so to be. Therefore the plaintiff was nonsuited. *Seff. Ca. vol. i. 222.*

By *stat. 5 Eliz. cap. 4. sect. 39, 41.* all indentures, covenants, promises, and bargains, for having or taking

apprentices otherwise than by the statute of 5 *Elizabeth*, shall be clearly void in the law to all intents and purposes; and every person that shall take any apprentice contrary to the said act, shall forfeit 10*l.* half to the king, and half to him that shall sue in the sessions, or other court of record; or if it is in a town corporate, then to the use of such town as by the charter.

By the several stamp acts, the binding (except it be of parish apprentices) shall be on a two shilling and six-penny stamped paper or parchment; and the same shall not be given in evidence in any court till it be stamped, and the duties paid.

And by the *stat. 8 Ann. cap. 9. sect. 32.* besides the said stamps and duties, there shall be paid the duty of sixpence for every 20*s.* of every sum of 50*l.* or under; and the duty of one shilling for every 20*s.* of every sum above 50*l.* given with any apprentice; and proportionably for greater or lesser sums; to be paid by the master.

And by *sect. 45.* of the same statute, where any thing, not being money, shall be given with such apprentice, the duties shall be answered for the value thereof.

But by *sect. 48.* this shall not extend to any apprentice, put out at the common charge of any parish or township, or out of any public charity.

Sect. 35. The full sum shall be inserted in the indenture in words at length, and shall bear date on the day of the execution thereof; on pain that the master forfeit double, half to the king, and half, with full costs, to him that shall sue.

Sect. 36. The said indentures, within the bills, shall be brought to the head office to be stamped with a stamp for that purpose, and the duties paid within one month after date.

Sect. 37. And in other places, the said indentures shall be brought either to the head office within the bills, or to a collector of the stamp duties out of the said limits, in two months after date, and the duties thereupon shall be paid, and the indenture stamped, if it be at the said head office; otherwise such collector shall indorse on the indenture, a receipt for the duties in words at length, and subscribe his name thereto.

Sect. 38. And if it is within fifty miles of the limits of the bills of mortality, the indenture shall within three months after date, and elsewhere within six months, be brought to the head office to be stamped.

Sect. 39. And all such indentures, wherein shall not be inserted the full sum directly or indirectly given, or whereupon the duties shall not be paid, or which shall not be stamped within the time limited, shall be void, and not available in any court or place, or to any purpose whatsoever; and the apprentice shall be incapable of exercising the said trade.

Sect. 43. And no such indenture shall be given in evidence in any suit to be brought by any of the parties thereunto, unless such party on whose behalf the same shall be given in evidence, do first make oath, that to the best of his knowledge, the sum therein inserted was really and truly all that was directly or indirectly to be given with such apprentice.

By the *stat. 9 Ann. cap. 21.* If the master shall neglect to pay the duties within the time limited, he shall forfeit 50*l.* half to the king, and half, with full costs, to him who shall sue.

And by the *stat. 18 Geo. II. cap. 22. sect. 23, 24.* If he shall neglect to pay the same as aforesaid, he shall, besides all other penalties, forfeit double duty.

But by the *stat. 30 Geo. II. cap. 19.* For the relief of persons who have omitted to pay the said duties, or to insert the said sums in words at length; upon payment of the said duties on or before September 1, 1757, and tendering the indentures to be stamped at the same time, or at any time on or before September 29, 1757, (of which timely notice shall be given in the gazette) the said indentures shall be good and valid, and may be given in evidence.

And there is the like indemnifying clause in some act every two or three years.

By the 20 *Geo. II. cap. 45. sect. 5.* If any master, having forfeited the double duty, shall pay the same, and tender the indenture to be stamped within two years after

the determination of the *apprenticeship*, and before suit hath been commenced for the penalties, the indenture shall be valid, and the penalties discharged.

Seet. 6, 7. And if after the master shall have forfeited the double duty, the *apprentice* shall in the presence of, or by writing under his hand signed in the presence of one witness, require his master to pay the same, and the master shall not do it in three months; and such *apprentice* shall, at any time within two years after the determination of his *apprenticeship*, pay the double duty, he may in three months after such payment, demand of his master, double the sum contracted for in the indenture; and if not paid in three months after, may recover the same by action at law, with full costs. And the *apprentice* immediately after payment of the same double duties, (if his *apprenticeship* shall not be then expired) signifying by writing under his hand, that he desires to be discharged from his *apprenticeship*, shall be discharged accordingly, and shall have the same benefit of the time he hath served as he would have had in case he had been assigned, or turned over to a new master.

Seet. 8. And where any prosecution shall be commenced against the master for the penalties, if the *apprentice* shall pay the double duty at any time in two years after the end of his *apprenticeship*, he may thereupon exercise his trade, and the indenture shall be valid, and may be given in evidence.

As to compelling persons to be bound *apprentices* by *statute 5 Eliz. cap. 4. seet. 35.* it is enacted, "That if any person shall be required by any householder, having and using half a plow-land at the least in tillage, to be an *apprentice*, and to serve in husbandry, or in any other kind of art, mystery, or science before expressed, and shall refuse so to do, that then, upon complaint of such house-keeper, made to one justice of the peace of the country where the said refusal is or shall be made, or of such householder inhabiting in any city, town corporate, or market-town, to the mayor, bailiffs, or head officer of the said city, town corporate, or market-town, if any such refusal shall be there, they shall have full power and authority by virtue hereof, to send for the same person so refusing; and if the justice, or the said mayor or head officer, shall think the said person meet and convenient to serve as an *apprentice* in that art, labour, science, or mystery, wherein he shall be so then required to serve, that then the said justice, or the said mayor or head officer, shall have power and authority by virtue hereof, if the said person refuse to be bound as an *apprentice*, to commit him unto ward, there to remain until he be contented, and will be bounden to serve as an *apprentice* should serve, according to the true intent and meaning of this present act; and if any such master shall misuse or evil treat his *apprentice*, or that the said *apprentice* shall have any just cause to complain, or the *apprentice* do not his duty to his master, then the said master, or *apprentice*, being grieved, and having cause to complain, shall repair unto one justice of peace within the said county, or to the mayor or other head officer of the said city, town corporate, market-town, or other place where the said master dwelleth, who shall, by his wisdom and discretion, take such order and direction between the said master and his *apprentice*, as the equity of the cause shall require; and if for want of good conformity in the master, the said justice of peace, or the said mayor or head officer, cannot compound and agree the matter between him and his *apprentice*, then the said justice, or the said mayor or other head officer, shall take bond of the said master to appear at the next session then to be holden in the said county, or within the said city, town corporate, or market-town, if the said master dwell within any such; and upon his appearance, and hearing of the matter before the said justices, or the said mayor or other head officer, if it be thought meet unto them to discharge the said *apprentice* of his *apprenticeship*, that the said justices, or four of them at least, whereof one of them to be of the *quorum*, or the said mayor or other head officer, with the consent of three other of his brethren, or men of best reputation within the said city, town corporate, or market town, shall have power, by authority hereof, in writing under their hands and seals, to pronounce and declare, that they have discharged the

said *apprentice* of his *apprenticeship* and the cause thereof; and the said writing, so being made and enrolled by the clerk of the peace, or town-clerk, amongst the records that he keepeth, shall be a sufficient discharge for the said *apprentice* against his master, his executors and administrators, the indenture of the said *apprenticeship*, or any law or custom to the contrary notwithstanding; and if the fault shall be found to be in the *apprentice*, then the said justices, or the said mayor or other head officer, with the assistance aforesaid, shall cause such due correction and punishment to be ministered unto him, as by their wisdom and discretion shall be thought meet."

Seet. 36. "Provided, That no person shall by force or colour of this statute, be bounden to enter into any *apprenticeship*, other than such as be under the age of twenty-one years."

By the *stat. 43 Eliz. 2. cap. 5.* it is enacted, "That it shall be lawful for the churchwardens and overseers of the poor, or the greater part of them, by the assent of any two justices of the peace, to bind poor children *apprentices* where they shall see convenient, till such man-child shall come to the age of twenty-four years, and such woman-child to the age of twenty-one years, or the time of their marriage; the same to be as effectual to all purposes, as if such child were of full age, and by indenture of covenant bound him or herself."

By the *statute 1 Jac. I. cap. 25. seet. 23.* this last mentioned act is continued, with this further addition, "That all persons to whom the overseers of the poor, shall, according to this act, bind any children *apprentices*, may take and receive and keep them as *apprentices*; any former statute to the contrary notwithstanding."

It hath been held, that by the said *statute 5 Elizabeth*, the justices of the peace might bind a poor person to husbandry against the consent of his master; but that neither by that statute, nor the *statute 43 Elizabeth*, which impowers the churchwardens, &c. to raise a stock of money, by way of assessment on the parish, for that purpose, they could impose an *apprentice* on a tradesman against his consent, but must assess and raise money to bind him out. *Raym. 65, 177. 1 Sid. 99. 1 Lev. 84. 1 Vent. 325. 8. P. cont. Carth. 94. Comb. 165. 3 Mod. 269. 1 Show. 76.*

As by the *statute 5 Elizabeth*, the justices of peace have a power of imposing an *apprentice* on a master, in consequence thereof an indictment lies for disobedience to their orders, either in not receiving, or receiving, and after turning off, or not providing for such *apprentice*; for though an act of parliament prescribes an easier way of proceeding by complaint, yet that does not exclude the remedy by indictment. *6 Mod. 163. 1 Salk. 381.*

The justices of peace may discharge an *apprentice* not only on the default of the master, but also on his own default; but it hath been holden, that their jurisdiction herein extends only to such *apprentices* as were bound to trades within the statute, and were compellable by them to serve; for that in such case it is but reasonable that the contracts which were made by their authority, should be dissolved by the same power; but that they cannot discharge any voluntary agreements made between the parties. *Skin. 108. 5 Mod. 139. 2 Salk. 471.*

Therefore where an order of sessions was made to discharge a surgeon's *apprentice* from his master, for not instructing him in the art of surgery; but the master being a mountebank, kept the *apprentice* for a tumbler on the stage; the order was quashed for want of jurisdiction in the justices, because a surgeon is not one of the trades mentioned in the *5 Eliz.* and here it was held, that the justices have power only over such *apprentices* who are bound to the trades therein named, and not over *apprentices* to other trades. *Carth. 366. 5 Mod. 138. 2 Salk. 471.*

And yet it hath been resolved, that the justices may not only discharge a merchant's *apprentice*, (which has been agreed not to be a trade within the *statute 5 Eliz.*) but also oblige the master to refund part of the money which he had with him; and this doctrine of refunding seems to be now established, as founded on great reason, though not expressly mentioned in the act; for the justices being authorized to discharge according to their discretions, where the end of the *apprenticeship* cannot be attained with one person

person, it is but justice the master should return part of the money he has received with his *apprentice*, to place him out with a new master. 1 *Sand.* 314. 1 *Salk.* 67. *Skin.* 108.

The order of discharge must be under the hands and seals of the justices, according to the express appointment of the statute; but it is said, that in a *certiorari* to remove the order, it is sufficient in the return to take notice of the order so made; for it is not necessary to certify the discharge itself. 1 *Sand.* 316. *Carth.* 199. *Comb.* 344.

It hath been held, that an order on the master to return money is good, though it is not averred that he had any with the *apprentice*; for the order being to return money, is as necessary a proof of the receipt of it, as if it had been expressly alledged; and in this case the court seemed to be of opinion, that the justices had jurisdiction as to discharging and obliging the master to refund, as well in other trades as those mentioned in the statute; and that the justices are not obliged in their orders to set forth all the steps they take in their proceeding, there being nothing in the act which makes it necessary, and that there was a known and established distinction between orders and convictions. *Trin.* 7 *Geo.* II. in *B. R.* The king v. *Amies*.

It hath formerly been held, that the sessions cannot make an original order of discharge; but that, according to the statute, the parties ought first to apply themselves to a justice of peace; and if he cannot compound the matter, then he is to bind the master to appear at the next sessions; but it hath been ruled of late, [see the preceding case] and it seems now established, that an order on an original application is good, and that the previous application to the justice is only discretionary. 1 *Sand.* 316. *Carth.* 198. 1 *Salk.* 68. 5 *Mod.* 138.

If the master, being bound to answer at the sessions, does not appear, it is a forfeiture of his recognizance; but yet at the same time the justices may proceed to make an order against him. 1 *Salk.* 67.

An order reciting, that *Joseph Higgin* was bound out by indenture, as the statute requires, to *John Parks*, and being lame, and having the king's evil, and, in the opinion of surgeons incurable; therefore the justices discharged the master from his *apprentice*. It was moved to confirm the order, because the master cannot now have the end of the binding, which was the service of his *apprentice*; but it was answered, that the statute only empowers the justices to discharge for misbehaviour, and not for sickness, and quashed by the court; for the master takes the *apprentice* for better and worse, and is to provide for him in sickness and health. *Strange* 99. *Trin.* 4 *Geo.* I.

An *apprentice* was discharged, the master having used him unkindly, and refused to provide for and entertain him; but by the court, This is not a good ground for the discharge; for there is a power to oblige the master to receive and entertain the *apprentice*, and using him unkindly is to lose. *Strange* 1014.

Statute 20 *Geo.* II. cap. 19. *sect.* 3. It shall be lawful for any two or more justices, upon any complaint or application by any *apprentices* put out by the parish, or any other *apprentice*, upon whose binding out no larger a sum than five pounds were paid, touching or concerning any misusage, refusal of necessary provision, cruelty, or other ill treatment of or towards such *apprentice*, by his or her master or mistress, to summon such master or mistress to appear before such justices at a reasonable time to be named in such summons; and such justices shall and may examine into the matter of such complaint; and upon proof thereof made upon oath to their satisfaction, (whether the master or mistress be present or not, if service of the summons be also, upon oath, proved) the said justices may discharge such *apprentice*, by warrant or certificate under their hands and seals; for which warrant or certificate no fees shall be paid.

Seet. 4. And such justices, upon application or complaint made, upon oath, by any master or mistress against such *apprentice*, touching or concerning any misdemeanor, mis carriage, or ill behaviour, in such his or her service (which oath such justices are hereby empowered to administer) shall hear, examine, and determine the same, and punish the offender by commitment to the house of correction, there to remain and be corrected, and held to hard labour for a reasonable time, not exceeding one calendar

month, or otherwise shall discharge such *apprentice*, in manner and form before-mentioned.

Seet. 5. Persons aggrieved by such determination, order, or warrant of such justice or justices as aforesaid (save and except any order of commitment) he, she, or they may appeal to the next general quarter sessions of the peace to be held for the county, riding, liberty, city, town corporate, or place where such determination or order shall be made; which said next general quarter sessions is hereby empowered to hear and finally determine the same, and to give and award such costs to any of the respective persons appellant or respondent, as the said sessions shall judge reasonable, not exceeding forty shillings; the same to be levied by distress and sale, in manner before-mentioned.

Seet. 6. And no *certiorari* shall issue or be issueable to remove any proceedings whatsoever, had in pursuance of this act, into any of his majesty's courts of record at Westminster.

Who may take, and are compellable to receive and provide for apprentices; of refunding the money given with them, and delivering up their indentures.

Stat. 5 *Eliz.* cap. 4. *sect.* 25. Every person being an householder, and having and using half a plough-land in tillage, may take any *apprentice* above the age of ten years, and under eighteen, to serve in husbandry till twenty-one at the least, or till twenty-four, as the parties can agree.

Seet. 26. Every person being an householder, and twenty-four years old at least, dwelling in any city or town corporate, and exercising any art, mystery, or manual occupation there, may retain the son of any freeman, not occupying husbandry, nor being a labourer, and inhabiting in the same, or in any other city or town corporate, to serve and be bound as an *apprentice* after the custom and order of the city of London, for seven years at least, so as such *apprenticeship* do not expire before the *apprentice* shall be twenty-four years of age.

Seet. 27. But no person dwelling in any city or town corporate, being a merchant, mercer, draper, goldsmith, ironmonger, imbroiderer, or clothier, shall take any *apprentice*, except he is his son, or else that the father and mother of such *apprentice* shall have no estate of inheritance or freehold of forty shillings a year, to be certified under the hands and seals of three justices where the lands lie, to the mayor of that city or town corporate, and to be inrolled among the records there.

Seet. 28. Every person being an householder, and twenty-four years old at the least, and not occupying husbandry, nor being a labourer, dwelling in any market-town not not corporate, and exercising any art, mystery, or manual occupation, may have to *apprentice* the child or children of any other artificer, not occupying husbandry, nor being a labourer, inhabiting the same, or any other such market-town in the same shire.

Seet. 29. But no person dwelling in any such market-town, being a merchant, mercer, draper, goldsmith, ironmonger, or clothier, shall take any *apprentice*, except he be his son, or else that his father and mother shall have an estate of inheritance or freehold of three pounds, to be certified under the hands and seals of three justices of the shire where the lands lie, to the head officer of such market-town where such *apprentice* shall be taken, there to be inrolled for a record.

Seet. 30. Any person using the art of a smith, wheelwright, plough-wright, mill-wright, carpenter, rough-mason, plaisterer, sawyer, lime-burner, brick-maker, brick-layer, tyler, slater, helier, tyle-maker, linen-weaver, turner, cooper, miller, earthen-potter, woollen-weaver, weaving household-cloth only, fuller, otherwise called tucker or walker, burner of oar and wood-shives, thatcher, or shingler, wherefoever he shall dwell, may take the son of any person as *apprentice*, albeit his parents have no land.

By the 8 and 9 *Will.* III. cap. 30. reciting, That whereas by an act made in the 43 Elizabeth it is among other things enacted, That it shall be lawful for the churchwardens and overseers of the poor of any parish, or the greater part of them, by the assent of two justices of the peace, whereof one to be of the *quorum*, to bind poor children *apprentices* where they shall see convenient; but there being doubts, whether the persons to whom such children

are to be bound, are compellable to receive such children as apprentices, that such law hath failed of its due execution; therefore it is enacted and declared, "That where any poor children shall be appointed to be bound apprentices pursuant to the said act, the person or persons, to whom they are so appointed to be bound, shall receive and provide for them, according to the indenture signed and confirmed by the two justices of the peace, and also execute the other part of the said indenture; and if he or she shall refuse so to do, oath being thereof made by one of the churchwardens or overseers of the poor, before any two of the justices of the peace for the county, liberty, or riding, he or she shall for every such offence, forfeit the sum of 10 l. to be levied by distress; the same to be applied to the use of the poor of that parish or place where such offence was committed; saving always to the person to whom any poor child shall be appointed to be an apprentice as aforesaid, if he or she shall think themselves aggrieved thereby, his or her appeal to the next general or quarter sessions of the peace for that county or riding, whose order therein shall be final, and conclude all parties."

Though by the statute 8 and 9 IV. III. the master is bound under the penalty of 10 l. to keep an apprentice bound to him pursuant to the statute 43 Eliz. yet if two justices bind a poor girl to a merchant, and he appeals to the sessions, where the order is reversed, it being thought unfit to compel a merchant to take an apprentice; the court of king's-bench, on removing the order before them, may confirm the order of sessions, (as they did in this case); for the statute having given an appeal to the sessions, they are made thereby proper judges, whether the person be a proper person to impose an apprentice on or not. 2 Salk. 491.

The churchwardens and overseers need not aver, that the parents were not able to maintain the child, for they have a discretionary power by the statute, of determining that. Comb. 289.

By the statute 7 Jac. I. cap. 3. sect. 2. it is enacted, that money given to be continually employed to put out poor children apprentices, shall be employed in corporate towns by the corporations, and in other places by the parson or vicar, together with the constables, churchwardens, and overseers of the poor, or the most part of them; who shall have the nomination and placing of such apprentices; and if they shall wilfully forbear or refuse to employ the same accordingly, they shall forfeit five marks each of them so making default, to be divided betwixt the poor of the parish and the prosecutor.

Secl. 3. The party receiving money with such an apprentice, shall give security by obligation, to repay it at the end of seven years next ensuing the date of the said obligation, or within three months next after the end of the said seven years; and if such apprentice shall die within the seven years, then within one year after his death; and if the master, mistress, or dame, happen to die within the seven years, then within one year after their death, so as the money may be employed in placing the apprentice with some other of the same trade, to serve out his time, at the discretion of the parties trusted as aforesaid.

Secl. 4. The money so given shall be employed within three months after the receipt thereof; and if there shall not be apt persons found to be apprentices in the places where it is given, it shall be employed in the parishes next adjoining by the parties that are trusted with it, in the places where it was so given, and there also bond shall be taken, as is before declared.

Secl. 5. The choice of apprentices shall be out of the poorest sort of children, whose parents are least able to relieve them; and no such apprentice shall be above the age of fifteen years when he or she is first bound.

Secl. 6. The parties appointed by this act as aforesaid in any town or parish not corporate, shall yearly, in Easter-week, or within one month after Easter, account before two or more of the next justices of the peace. And if there be any obligations, or money remaining in their hands, they shall upon such account (or within ten days after) deliver the same unto their surveyors.

Secl. 7. If any party so trusted shall break the trust reposed in him, misemploy the same money, or do any thing

contrary to this act, for which there is not by this act any penalty appointed, the lord chancellor or keeper shall, upon the petition of any person, award a commission to such as he shall think fit, to enquire, hear, and determine such offences: and if the commissioners shall find money so misemployed, they shall, in places not corporate, have power to rate and collect it upon the parties so offending, or otherwise upon the able inhabitants of the city, town, or parish so in default, as the said commissioners, or the greatest part of them, shall think fit; and shall return the said commission, together with the manner of executing the same, in the chancery within three months next after such execution thereof.

It was said to be usual in case of apprentices, after they are out of their time, to exhibit a bill to put their masters to sue their covenants within a certain time, or else to deliver up their indentures. Chan. Cases 70. Hill, 17 and 18 Car. II. Baker v. Shelbury.

Apprentice being ill used, brought his bill; decreed that the master deliver up the indentures, and a bond of 100 l. for his honesty, and repay part of the money given with the apprentice, with full costs; the apprentice having before had a verdict in the lord-mayor's court, and the master ordered to provide a new master, which he refused to do. Fin. Rep. 124. Mich. 26 Car. II. Lockley, widow and executrix of Lockley, and David Lockley v. Eldridge.

Bill by a merchant against one that was his apprentice, for an account of goods and money which he was intrusted with, both during his apprenticeship and after, as his factor and agent; the defendant pleaded the statute of limitations 21 Jac. I. the plea was allowed good as to goods, &c. received during his apprenticeship, and till he was made free, but not after his apprenticeship ended; so ordered to answer that part of the bill, but without costs. Fin. Rep. 370. Trin. 30 Car. II. Fincham v. Hobbs.

The master received with the apprentice 250 l. and died within two years, the apprentice having for that time been employed only in inferior affairs; decreed, after debts and specialties paid, that the executors repay the 250 l. as a debt due on simple contract, deducting after the rate of 20 l. per ann. for the maintainance of the apprentice during the time he lived with his master. Fin. Rep. 396. Mich. 30 Car. II. Soam v. Bowden and Eyles.

A placed his son clerk to an attorney, and gave with him 120 l. the master agrees to return 60 l. of the money, if the master died within a year; the master was sick at the time, and of that sickness died within three weeks. Jeffries C decreed 100 guineas to be paid back to A. Vern. Rep. 460. pl. 437. Newton v. Rouse.

Indentures of apprenticeship were decreed in the mayor's court of London, whither the cause was sent back out of chancery, to be delivered up; because not inrolled, though the non-inrolment was at the instance of the mother, which could not excuse the master, who had covenanted to inrol the indentures; and although the apprentice was bound for seven years, yet he covenanted to make him free at the end of five years. 2 Vern. 492. pl. 443. Hill. 1704. Stephenson v. Houlditch.

A puts his son apprentice to B, and gives 1000 l. bond for his fidelity, and at the same time B covenants with A to see the apprentice make up his cash once a month at least. Per Wright K. the meaning is, that B not only see the figures right, but the cash effectually made up, so that B's pretence that the apprentice had inserted bank notes, &c. as remaining, when he had disposed of them, is no excuse, and the bond and covenant are as one agreement, that the plaintiff A would be answerable monthly, provided accounts were taken monthly, and would be liable but for one month's embezzlement, and decreed to A to answer no more than B proved embezzled in the first month, when the embezzlement began. 2 Vern. 518. pl. 468. Montague, executor of Ewer. v. Tidcombe and Hopkins.

An apothecary turned away his apprentice for negligence and misdemeanors laid to his charge; but the court decreed the master to refund 30 l. of the money he had with him, and the rather, because the indentures were not inrolled, so as the matter was not properly cognizable before the chamberlain of London. 2 Vern. 64, pl. 57. Trin 1688. Thorman v. Abell.

A bond of 50l. given by one apprentice to another apprentice for money won at play, decreed to be delivered up. 2 *Vern. Rep.* 291. pl. 281. *Trin.* 1693. *Woodroff v. Farnham.*

Of setting up a trade, the necessity of serving an apprenticeship, and what trades are prohibited to be followed within the meaning of the statute 5 ELIZABETH, and also the offence and punishment of following a trade without being qualified.

At common law, every person might follow what lawful trade he pleased; which being inconvenient in many instances, and a detriment to the public, in permitting persons to exercise trades in which they had little or no skill or experience; to prevent which mischief, and the better to train up and inure persons to labour and industry from their youth, and thereby make them more skilful and expert, the following statute was made. 11 *Co.* 53. 2 *Bulst.* 191. *Skin.* 133. 1 *Sand.* 312.

It is enacted by the 5 *Eliz. cap. 4. sect. 31.* "That it shall not be lawful to any person or persons, other than such as now do lawfully use or exercise any art, mystery, or manual occupation to set up, occupy, use or exercise any craft, mystery, or occupation, now used or occupied within the realm of England or Wales, except he shall have been brought up therein seven years, at the least, as an apprentice, in manner and form aforesaid; nor to set any person to work in such mystery, art, or occupation, being not a workman at this day, except he shall have been apprentice, as is aforesaid; or else having served as an apprentice, as is aforesaid, shall or will become a journeyman, or hired by the year; upon pain that every person wilfully offending, or doing the contrary, shall forfeit and lose for every default forty shillings for every month."

It hath been ruled, that there are many trades within the general words and equity of this act, besides those which are particularly enumerated therein; yet it seems agreed, and hath frequently been adjudged, that in every indictment, &c. it must be alledged, that it was a trade at the time of making the statute; for the words thereof are, any craft, mystery, or occupation, now used, &c. from whence it seems to follow, that a new manufacture, which to all other purposes may be called a trade, is yet not a trade with this statute. 2 *Salk.* 611. *Palm.* 528. 1 *Sid.* 175.

Also it seems agreed, that the act extends only to such trades as imply mystery and craft, and require skill and experience; that therefore merchants, husbandmen, gardeners, &c. are not within the statute; and on this foundation it hath been held, that a hemp-dresser is not within the statute, as not requiring much learning or skill, and being what every husbandman doth use for his necessary occasions. 8 *Co.* 130. 2 *Bulst.* 190. *Cro. Car.* 499.

It is said in 2 *Bulst.* 186. to have been adjudged, that an upholster is not a trade within the statute, as not requiring skill; but this hath been contradicted by a later resolution, [2 *Lev.* 243.] wherein it is said to have been resolved, that a broker and taylor were trades within the statute.

Also it is said in 2 *Bulst.* 190. that a pippin-monger is not within the statute, because there is no mystery in buying of apples, and all his skill is in so laying his apples as to keep them from rotting; but this likewise hath been doubted in a late case, [2 *Lev.* 206.] where it was debated, whether the using of the trade of a colter-monger or fruiterer be within the statute; but there is no resolution.

It is clearly agreed, that the following the common trade of a brewer, baker, or cook, is within the statute, as unskilfulness herein may be very prejudicial to the lives and healths of his majesty's subjects; but it is at the same time agreed, that the exercising of any of these trades in a man's own house or family, or in a private person's house, is not within the restraint of the statute. 11 *Co.* 54. a. *Cro. Car.* 499. *Hob.* 183, 211. *Moor* 886. 8 *Co.* 129. *Palm.* 542. *Lit. Rep.* 251. *Bridg.* 141.

On motion to quash an indictment for using the trade of a sellmonger, it was urged, that this was a business

which required no skill, but that it was only to pull the wool from the skin; but *per Holt, Ch. Justice*; if in the indictment it be averred to be a trade at the time of making the statute, we will not quash it; for whether it was a trade then or no, or whether any skill be requisite to the exercise of it, is a matter of fact proper for the trial of a jury. 2 *Salk.* 611.

So the court refused to quash an indictment for using the trade of a seamstress, not having served as apprentice; because it was set forth in the indictment to be a trade in England at the time of making the act; so that if this trade of a seamstress be not within the act, defendant will have the advantage of it on the trial. 2 *Salk.* 611.

But it is said, that the court had quashed an indictment for following the trade of a merchant-taylor, because they did not know what was meant by it, and it seemed to them nonsense and unintelligible. 2 *Salk.* 611.

It seems agreed, that the following a trade within the statute, must be such whereby the party gets his livelihood; and that therefore, the using of the trade of a brewer, baker, cook, taylor, &c. in one's own house, or in the private family of another, without any reward, is not within the statute. 11 *Co.* 54. *Hob.* 183.

But in an action for using the trade of a clothier, not having been apprentice to that trade; where by special verdict it was found, that A was a Turkey merchant, and exported great quantities of English cloth into the Levant; and for this purpose only he hired several cloth-workers, who had been all apprentices to the same trade, and kept also a master workman of that trade to inspect their work; and that by those men he made great quantities of English cloth, all which he transported; and that he the said A kept a dye-house, and hired men of that trade to dye his own cloths, and no other: it was resolved to be within the restraint of the statute, though the cloth was made for his own merchandize only, and though made by persons who had been apprentices; for here they are not traders but hirelings, and he is the tradesman who hath all the profit, as A in this case has. *Carth.* 162. 2 *Salk.* 610. 3 *Mod.* 313.

So if a man keeps journeymen shoe-makers to make shoes for transportation, this is an exercising the trade of a shoemaker within the statute. *Carth.* 164.

But it hath been held, that this statute doth not restrain a man from using several trades, so as he had been an apprentice to all; whereof it indemnifies all petty chapmen in little towns and villages, because their masters kept the same mixed trades there before. *Carth.* 163.

If a coach-maker keeps servants to make his wheels, and workmen to curry his own leather, this is against the statute, because it is he only who receives all the profits of the several trades, and the wheelwright and currier are but his servants. *Carth.* 163, 164.

So in a case upon this statute, prosecuted by the horner's company against a comb-maker in London, for using the trade of a horner, viz. in pressing horn for making combs, which pressing did not belong to their trade; and this was adjudged a breach of the statute, for a horner is a particular trade, and a very ancient company in London. *Carth.* 162.

It hath been resolved, that there is no occasion for any actual binding, but that the following a trade for seven years is a sufficient qualification within the statute. 1 *Salk.* 67. 2 *Salk.* 613.

So where an action was brought on this statute, and upon not guilty pleaded, it appeared that the defendant's father kept the same trade, and that he the defendant for several years had been employed by his father therein; and it was held, that he might lawfully use that trade, for that he had been quasi an apprentice to it, which was sufficient to satisfy the statute. *Carth.* 163.

So if a man lives with another, that uses a trade which the other is not qualified for using, seven years, he may set up the trade as well as if he had lived with one never so well qualified. *Case in Low and Eq.* 71.

Also it hath been held, that the service need not be in any particular country; and therefore an indictment for using the trade of a taylor, not having served an apprenticeship seven years, was quashed, because only said, not having

having served as an *apprenticeship infra regnum Angliæ aut Walliæ*; for it may be he did so beyond-sea; and if it were any where it suffices. 1 *Salk.* 67.

So it hath been held, that serving five years to a trade out of England, and two in England, is sufficient to satisfy the statute; but that there must be a service of a full time, either in England or out of England; and therefore serving five years in any country, where by the law of the country more is not required, will not qualify a man to use the trade in England. *Case in Law and Equity*, 70.

By the statute 31 *Eliz.* cap. 5. sect. 7. it is enacted, "That all suits for using a trade without having been brought up in it, shall be sued and prosecuted in the general quarter-sessions of the peace, or assizes in the same county where the offence shall be committed, or otherwise inquired of, heard and determined in the assizes, or general quarter-sessions of the peace in the same county where such offence shall be committed, or in the leet within which it shall happen, and not in any wise out of the same county where such offence shall happen or be committed."

In the construction of this statute it hath been held, that it restrains not a suit in the King's Bench or Exchequer, for such offence happening in the same county where the courts are sitting; for the negative words of the statute are not, that such suits shall not be brought in any other court, but that they shall not be brought in any other county; and the prerogative of these high courts shall not be restrained without express words. *Cro. Jac.* 178. *Hob.* 184. 1 *Salk.* 373.

But where the offence is in a different county, such suits in these, or any other courts out of the proper county, seem to be within the express words of the statute. *Hob.* 184, 527. *Cro. Jac.* 85.

Yet it hath been doubted, whether an action of debt, or information in the courts of Westminster-hall, were not to be construed to be out of the meaning of the statute; but it seems to be now settled, in the construction of the statute 21 *Jac.* I. cap. 4. which provides, that no action of debt or information, or other suit whatever, can be brought in any court of Westminster-hall on any penal statute, made before the said statute of 21 *Jac.* I. for any offence therein excepted, for which the offender may be prosecuted in the county, unless such offence shall be committed in the same county in which the court shall sit. *Sid.* 303. 1 *Keb.* 584. 2 *Lev.* 204. 1 *Salk.* 372. 5 *Mod.* 425.

But these statutes hinder not the removal of any indictment into the King's-Bench by *certiorari*, after which it may be tried there, or in the county, by *nisi prius*. 1 *Jac.* 193.

It hath been held, that quarter-sessions of boroughs may receive indictments on the 5 *Eliz.* as well as those of the county at large, in that there is no danger of oppression, because a *certiorari* lies. 6 *Mod.* 220. 1 *Salk.* 317.

The plaintiff, in an action on this statute 5 *Eliz.* must alledge in his declaration, that the defendant did not use the trade at the time of making the statute; for though it cannot be presumed that he did, after such a length of time, yet as it is, the statute makes him liable, and subjects him to a penalty; the prosecutor must shew that he has transgressed the law, and that he is intitled to his action. 1 *Sid.* 302.

It has been held, that an indictment against two or more, for following a joint-trade, without having served a seven years *apprenticeship* required by the statute, is naught, in that it would be absurd to charge them jointly: because the offence of each defendant arises from the defect peculiar to himself. 1 *Roll. Abr.* 8. 5 *Mod.* 180. 1 *Salk.* 382.

Of assigning apprentices, making them free, and how to be taken care of if their masters happen to die.

The placing out an *apprentice* to a particular person, arises from an esteem, and a good opinion of the party to whom he is so committed; that he will not only instruct him in his trade or calling, but will also be careful of his health and safety; and therefore the law has made it such a personal trust or confidence, which the master

cannot assign, or transfer over to another, he must also have him under his own care and inspection, and cannot send him abroad, though under the pretence of improvement; unless by express agreement, and unless the nature of his business requires it, and implies such a power as that of a merchant-adventurer, sailor, &c. are said to do; therefore it hath been adjudged, that a surgeon sending his *apprentice* a voyage to the East-Indies, though in company with other surgeons, and the better to instruct him in the art of surgery, was a breach of his covenant, whereby he bound himself to retain, teach, keep, and employ the said *apprentice* in his own house and service, &c. *Hob.* 134.

But by the custom of London, a freeman of London may turn over his *apprentice* to another master, being a freeman; and such second master shall have the same benefit of the *apprentice's* covenants, as shall the *apprentice* of the covenants on the side of the master, as if he had been originally bound to him. *March.* 3. 1 *Keb.* 250.

But it hath been held, that though justices of peace have a jurisdiction of discharging *apprentices*, and may bind them to other masters, that they cannot turn them over; and therefore an order that an *apprentice*, whose master was dead, should serve the remainder of his time with his master's widow's second husband, was quashed; because the justices have nothing to do about turning over an *apprentice*; and that though he applied to them, that could not give them a jurisdiction. *Comb.* 324.

Order returned on a *certiorari*: it is resolved by the justices at the sessions, where a person was bound an *apprentice* to *Barnes* by the parish officers, and *Barnes* had assigned him to another, that the assignment is void, and they directed *Barnes* to take his *apprentice* again. But by the court; the sessions had no power to judge of the validity of a deed, or to hinder a man from assigning his *apprentice*; the covenant to provide for him is well performed, if the person to whom he is bound assigns him to another to provide for him; wherefore the order was quashed. *Foley* 155. *Strange* 48.

The jurisdiction of the justices extends no farther than to compel the master to take care of his *apprentice*; but in what manner he does it, whether in his own house or otherwise, is nothing to them; but if the assignee of the *apprentice* doth not provide for him, the first master may be compelled to do it, and he may take his remedy over. *Seff. Ca.* vol. i. 110.

Wherever by the custom of any town, borough, &c. the serving an *apprenticeship* intitles the party to his freedom, the persons to admit him refusing, without sufficient cause, may be compelled thereto by *mandamus*. 1 *Sid.* 107. 2 *Shov.* 154.

Therefore, where to a *mandamus* to the mayor, &c. of Oxford, to admit a person to be free of that city, who had served seven years *apprenticeship*; to which it was returned, that he put himself *apprentice* seven years according to the custom, and that he covenanted to serve seven years, and not to marry within the time, and that within the first two years he married, and so broke his covenant; and that his master accepted of him to serve for the residue of the time, which he did, but not as an *apprentice*, but rather as a journeyman; and though it was urged, that by his breach of covenant he lost his right of freedom, yet the court held the contrary; and that though an action of covenant might lie, yet that it was no loss of his freedom; and therefore awarded a peremptory *mandamus* to admit him. 1 *Lev.* 91. 1 *Sid.* 107. 1 *Keb.* 458, 470, 659.

So where a *mandamus* to the mayor, &c. of Lincoln, to admit A to his freedom, he having served an *apprenticeship* there; and the mayor returned, that A (being a quaker) refused to take the usual oath, according to the custom of the said city, but offered to take the solemn affirmation and declaration; and the court held this sufficient to intitle him to his freedom, within the statute 7 and 8 *W. III.* cap. 34. 5 *Mod.* 402.

Also it is frequent for masters to bind themselves to make their *apprentices* free at the end of their time, which they perform according to their covenants. 6 *Mod.* 227, 260.

It seems agreed, that if a man be bound to instruct an apprentice in a trade for seven years, and the master dies, that the condition is dispensed with, being a thing personal; but if he be bound further, that in the mean time he will find him in meat, drink, and clothing, and other necessaries, here the death of the master doth not dispense with the condition, but his executors shall be bound to perform it as far as they have assets. *1 Sid. 216. 1 Keb. 761, 820. 1 Lev. 177.*

But if a person is bound apprentice by a justice of peace, and the master happens to die before the term expired, the justices have no power to oblige his executor, by their order, to receive such apprentice and maintain him; for by this method the executor is deprived of the liberty of pleading *plene administravit*, which he may do, in case covenant be brought against him, and must maintain the apprentice, whether he hath assets or not. *Carth. 231, 1 Salk. 66. 1 Show. 405.*

But it is said, that in this case of the master's dying, by the custom of London, the executor must put the apprentice to another master of the same trade. *1 Salk. 66. Per Holt. Ch. J.*

In debt on bond, conditioned for *Matthias Anderson's* performance of the covenants in an indenture of apprenticeship, whereby he was bound to the plaintiff's testator, who was a mariner: the defendant pleaded, that Anderson served faithfully to the death of the testator: the plaintiff replied, that since the death of the testator, Anderson, had absented from her service: to which there was a demurrer. And after argument at bar, *Lee Ch. J.* delivered the resolution of the court, viz. that they were all of opinion, the defendant should have judgement, and that the executrix could maintain no such action; the binding was to the man, to learn his art, and serve him, without any mention of executrix. And as the words are confined, so is the nature of the contract; for it is fiduciary, and the apprentice is bound from a personal knowledge of the integrity and ability of the master. *H. 8 Ann. Horne and Blake.* An award that an apprentice should be assigned, was held void; unless there was a custom, or the concurrence of the apprentice. And they held it was not material, that according to *Cro. Eliz. 553.* the assets were liable on the master's covenant to maintain. Therefore judgment was given for the defendant. *Strange 1266.*

Note, the words in *Cro. Eliz. 553.* are these: A covenant lies against an executor in every case, although he be not named; unless it be such a covenant as is to be performed by the person of the testator, which they cannot perform.

But in the case of *K and East-Bridgford*, in *Trin. 12 George II.* upon a special order it was stated, that an apprentice upon the death of his master, was with his own consent turned over by the widow (who had taken no administration) to another master whom he served. And the court held it a good settlement in the parish, within the reason of those cases, where an apprentice was bound to a person in one parish, but with the consent of his master served with another person in another parish, and there gained a settlement. *Strange 1155.*

Of offences committed by apprentices.

At common law, a servant or apprentice, without any regard to age, may be guilty of felony feloniously taking away the goods of their master, though they were under their charge, as a shepherd, butler, &c. and may this day for any such offence be indicted, as for felony at common law; but at common law, if a man had delivered goods to his servant to keep, or carry for him, and he carried them away *animo furandi*; this was considered only a breach of trust, but not felony. *1 Hale's Hist. P. C. 505, 666.*

But now by the statute of *21 Hen. VIII. cap. 7.* it is enacted, "That all and singular servants, to whom any caskets, jewels, money, goods, or chattles, by his or their masters or mistresses shall from henceforth be delivered to keep, that if any such servant or servants withdraw themselves from their masters and mistresses, and go away with caskets, jewels, money, goods, or chattles, or any part thereof, to the intent to steal the same, and

defraud his or their masters or mistresses thereof, contrary to the trust and confidence to him or them put by his or their masters or mistresses, or else being in the service of his or their masters or mistresses, without any assent or commandment of his master or mistress, imbezzle the same caskets, jewels, money, goods, or chattles, or any part thereof, or otherwise convert the same to his or their own use, with like purpose to steal it; that if the said casket, jewel, money, goods or chattles, that any such servant shall go away with, or which he shall imbezzle, with purpose to steal as aforesaid, be of the value 40 l. or above, that then the same false, fraudulent, or untrue act and demeanor shall from henceforth be deemed and adjudged felony, &c. provided it extend not to apprentices, nor to any person under the age of eighteen years; but every such apprentice, or person within that age doing that act, shall be, and stand in the like case, as they were before the making this act.

By the act of *27 H. VIII. cap. 17.* clergy was taken away in this case, if the indictment were laid specially upon the act of *21 H. VIII.* and pursuant to the same, and by the act *28 H. VIII. cap. 2.* this act of *21 H. VIII.* was made perpetual; but by the act of *1 Edw. 6. cap. 12.* these acts were both repealed; but again, by the act of *5 Eliz. cap. 10.* this act of *27 H. VIII.* was re-enacted and revived; but it did not revive the act of *27 H. VIII.* for taking away clergy. But now by *12 Ann. cap. 7.* clergy in such case is taken from facts committed in any house or out-house, except as to apprentices under the age of fifteen years robbing their masters. *1 Hale's P. C. 666, 667.*

In the construction of this statute the following opinions have been holden.

1. That it extends only to such as were servants to the owner of the goods, both at the time they were delivered, and also at the time when they were stolen. *1 Hawk. P. C. 92.*

2. That it is strictly confined to such goods as are delivered to keep; and therefore that a receiver, who having received his master's rents, runs away with them, or a servant who being intrusted to sell goods, or to receive money due on a bond, sells the goods, &c. and departs with the money, is not within the statute; but that a servant who receives his master's goods from another servant, to keep for his master, is as much guilty as if he had received them from the master's own hands; because such a delivery is looked upon as a delivery by the master. *Dyer 5 pl. 2, 3. 3 Inst. 105. 1 Hawk. P. C. 92.*

3. That it includes not the waiving or consuming of goods, howsoever wilful it may be; nor the taking away of an obligation, or another bare chose in action. *1 Hawk. P. C. 92.*

4. That it extends not to the taking of such things, whereof the actual property is not in the master at the time; and therefore, that if a servant having money or corn, &c. delivered to him, melt down the money of his own head, without the command of his master, into a piece of plate, or turn the corn into malt, and then run away with them, that he is not within the statute; because the property of these things is so far changed, by altering them in such a manner, that they cannot be known again, and the master cannot afterwards take them, without being a trespasser; but it is agreed, that if a servant make a suit of coats of cloth, or a pair of shoes of leather, delivered to him by the master, and then he run away with them, that he is within the statute; because the property is no way altered; and even in the first case *Hawkins* seems to be of opinion, that the taking of the plate and malt is within the statute; and the whole act of the servant, taken together, should be deemed a conversion of the master's goods to his own use, with an intent to steal them, which brings it within the express letter of the statute; and on which foundation it hath been resolved, that a servant who changes his master's money from silver to gold, and then runs away with it, is within the statute. *Crompt. 50. Dalt. c. 102. 1 Hawk. P. C. 92.*

Settlement of apprentices.

By *stat. 13 and 14 Car. II. c. 12.* On the complaint by the church-wardens or overseers within forty days after

after any person shall come to settle in any parish, on any tenement under 10l. a year; two justices, (one of whom to be of the *quorum*) may remove him to the place where he was last legally settled, either as a native, householder, sojourner, apprentice, or servant, for the space of forty days at the least.

By the *stat. 1 Jac. II. c. 17.* the said forty days shall be reckoned not from the time of his coming to inhabit, but from the time of his delivering notice in writing of the house of his abode, and the number of his family, to one of the churchwardens or overseers of the poor of the parish to which they shall remove.

And by the *statute of 3 and 4 W. and M. c. 11. sect. 8.* if any person shall be bound an apprentice by indenture, and inhabit in any town, or parish, such binding and inhabitation shall be adjudged a good settlement, though no such notice in writing be delivered and published.

By statute 12 Ann. *st. 1. c. 18. sect. 2.* if any person shall be an apprentice bound by indenture, to any person residing under a certificate, in any parish, township, or place, and not afterwards having gained a legal settlement in such parish, township or, place; such apprentice, by virtue of such apprenticeship, indenture, or binding, shall not gain any settlement in such parish, township, or place; but every such apprentice shall have his settlement in such parish, township, or place, as if he had not been bound apprentice.

A puts B apprentice to C, but B is no party to the deed; B continued a year with C; adjudged, that this makes no settlement in the parish C is of; because it was no service, and B was no more than a boarder there for his education, which is no service to make a settlement. 2 Salk. 479.

Misselden sent *J. H.* his wife and children to *Panfwick*, and the sessions on the appeal discharged the order; then the same persons were sent by another order to *Brimsfield*, as the place of their birth; *Brimsfield* appealed, and the session's order recited the whole matter of fact; which was, that *J. H.* was an apprentice by deed, to one *J. S.* a butcher, and there was a parol agreement to live one fortnight at his father's house, and another fortnight at his master's. The order took notice, that he did not live forty days at one time in one place; but concluded, that he was settled at *Panfwick*, different to the former session's order. It was moved to quash the session's order, it being on an erroneous notion, and the conclusion will not warrant the premises; for the statute says there must be an inhabitation as well as an apprenticeship for forty days at least; the court was of opinion to quash the session's order, and a rule was made to shew cause to the first day of the next term. *Ca. of settlements* 63. pl. 85.

A poor child being bound apprentice at A, was assigned over to another master that lived in B; held he should gain a settlement at B, where his second master lived. 1 Salk. 68. pl. 7. *Mich. 13 W. III. B. R. Castr. v. Aicles parish.*

The son was bound an apprentice to his father, and the father gave up his indenture to the son, and bound him out to a service into another parish for a year, where he served, but did not cancel the indenture, and becoming poor, the justices ordered him last legally settled in the parish where the father lived, because the indenture being still in force, his apprenticeship continued; *per cur.* The indenture not being cancelled, the obligation of the apprentice continues; and if the father should get the indenture into hands again uncanceled, and sue the son thereupon, the aforesaid agreement would not be a good plea for the son. 6 Mod. 190, 191.

Apprentice may gain a settlement by serving a lodger, though the master has no settlement there. 2 Salk. 553. pl. 21. *Hill. 4 Ann. B. R. parish of St. Bride's, v. St. Saviour's.*

B was bound apprentice for four years to *J. S.* and lived out these four years at *St. Bride's* with him; *J. S.* was only a lodger, and had no settlement there, and the court held the apprentice was well settled at *St. Bride's*; for he was not a person removable, nor does his settlement depend on his master, as that of a wife on her husband for a settlement, but he gains a settlement for himself within 14 Car. II. by forty days inhabitation; and so of a hired servant. 2 Salk. 533.

Where a person is bound apprentice by indenture, wherever this apprentice continues forty days in the service of his master or mistress, there such apprentice gains a settlement; and where any person serves the last forty days of his apprenticeship, that is the place of his last legal settlement; and so it is likewise of an hired servant. *Ca. of settlement.* 58.

A removed his certificate from B to C, takes an apprentice, who serves out his time at C, and lives two years, cannot be removed with his master. 11 Mod. 204.

A gardener took an apprentice, but having no work for him, made an agreement with a man who lived in another parish, that his apprentice should work with him for wages, which he accordingly did, and the master had the wages. *Powis J.* was of opinion at *Dorchester affizes, Lent 1709*, that this apprentice did not gain a settlement by this service in the parish where he worked; this matter coming in question before him upon a case stated. 3 Vin. 29. cites *M. S. Cases.*

A was bound apprentice to one D, who was an inhabitant and settled in *All-Saints*, and there dwelt with him above a year; the man removed to W, and there lived five years, but gained no settlement. The question was upon a special order, whether the apprentice was to be settled where he was bound, and lived the first year with his master, or where he lived the last five years with his master; and *per cur.* whether the master has a settlement or not, the apprentice gains a settlement by his service. 3 Vin. 29. *M. S. Cases. Trin. 9 Ann. B. R.*

If an apprentice be bound to one who has no right to take an apprentice, yet the apprentice will gain a settlement under such an indenture by his service. 3 Vin. 129. *MS. Cases, Trin. 9 Ann. B. R.*

A person was bound apprentice to a cobbler, who lived in one parish, and his stall was in another; the apprentice lived with his father in a third parish; and it was held *per cur.* that he gained no settlement as an apprentice. *Cases of settlements* 80. pl. 106. *Pasch. 1717. the parish of St. Olave Jury's Case.*

One G was an apprentice to *J. S.* a seafaring man, who lived in the parish of *St. Olave Jury*; the apprentice lived with his master three months, but always on ship-board out of the Parish. *Prat J.* said it does not appear that he was sent by his master to watch on ship-board; if it had, it had been on his master's business, and continuing in his service, and doing his duty. The court adjudged he was not settled in the parish; for there must not only be an apprenticeship, but a residency. And a man is deemed to be resident where he lodges. *Cases of settlements* 79. pl. 105.

One born in A is put apprentice in B, where he served two years, and then his master died, when he went back to A, and married, had children, and died; the wife and children shall be sent back to B. 8 Mod. 169. 9 Geo. I. *St. Giles in Reading, v. Everfly Blackwater.*

Where one is bound apprentice by indenture, it cannot be discharged but by deed, or by sessions, and a hiring after he is bound, or any consequences arising upon such hiring, are entirely void while the indenture subsists, and 'till it is defeasanced; for when an apprentice serves forty days, by virtue of the indenture, he cannot gain another settlement, though his master consents, because he had a settlement by the service under the indenture. Admitted *per cur.* 8 Mod. 236. *Pasch. 10 Geo. Buckingham parish, v. Sevington.*

One *J. W.* was bound apprentice to *J. P.* of *St. John's parish*, in the *Devizes*, hofier, the father was to find meat, drink, washing, and lodging, the master allowing 2s. 6d. per week; the apprentice never lodged with his master in *St. John's parish*, but with his father in *Bishop Canning's*. Held that the apprentice gained no settlement in *St. John's parish*, by virtue of the apprenticeship with his master, in regard he never lodged in the parish for the space of forty days. *Cases of settlements* 118. pl. 159. *Trin. 1724. B. R. the chapelry of St. James, in the parish of Bishops Cannings, v. inhabitants of Devizes, in the county of Wilts.*

A, bound apprentice to a butcher in *Cirencester*, lived with his father for the first six years, and then came and lived with his master up and down for three quarters of a year. It was objected, that it did not appear that he lived forty days with his master; *per cur.* It is set forth that he

was up and down three quarters of a year with his master; so there is room to intend he was resident forty days. *Cases of settlements*, 118. pl. 152. *Trin.* 1724. *B. R.* In case of the chapelry of *St. James*, in the parish of *Bishop Canning's*, v. *Inhabitants of St. John's*, in the *Devizes*, in the county of *Wilt*, cites the king, v. *Cirencester* (inhabitants).

A was bound apprentice to B, who lived in *St. Olave's*, afterwards A, by his master's consent, lived with another person in *Allhallows*. And *per cur.* He gained a settlement in the last place; for a person may serve his master in another place or parish; and although he serves another man, yet it is by consent of his master, and the benefit accrues to the master. *Cases of settlement* 114. pl. 153. The parish of *St. Olaves, Southwark*, v. *Allhallows*.

A person was bound apprentice to a gentleman, who made use of him as his huntsman, and lived with him three quarters of a year, and then ran away; *per cur.* Here is a serving for forty days, and so the person gains a settlement. It was objected, that he served a gentleman, and consequently of no trade; but *per cur.* He is put an apprentice, and the master may make use of him in what manner he pleases, and therefore held a settlement accordingly. *Cases of settlements* 122. pl. 166. *Trin.* 1726. The king, v. The inhabitants of *Whitechurch*.

J. S. agreed to be put out apprentice to J. N. and was bound for seven years, and 20 s. was paid J. S.'s master; after J. S. had served three years, his master died. The indentures were not stamped, nor the duty paid; on an order of sessions that it was a settlement, and a reference to the judges of assize, *Fortescue* J. was of the same opinion, but it was moved to quash it, because 3 and 4 *W. and M.* says apprentices bound by indenture shall be intitled to a settlement, and this indenture being not stamped, is no indenture by 8 *Anne*, and so held the court. 4 *Geo.* II. *B. R.* *Fitzgib* 167. *Anon.*

Upon the appeal of *St. George's* against an order of two justices, whereby *Alice Wheeler*, a single woman, who was likely to become chargeable to *St. James's, Westminster*, was removed from thence to *St. George's*, as the place of her last legal settlement; and the sessions state the matter specially, and the said *A. W.* was bound by indenture a parish apprentice in the said parish of *St. George*, to *George Lester*, where she lived and gained a settlement, by serving the space of forty days under the said indenture; and that afterwards, and during the time of her apprenticeship, she was by parol agreement hired out by the said master *G. L.* to one *J. Hall*, in the parish of *St. Mary-le-bone*, and there lived and lodged above forty days, viz. for the space of one year and upwards, the said apprenticeship continuing; that the said *G. L.* her master, received her wages from the said *J. H.* and found clothes; and on debate, the question was, whether the said *A. W.* by her residence above forty days in *St. Mary-le-bone*, gained a settlement in that parish or not? The sessions held, that the last service gained her no settlement, and consequently she was settled at *St. George's*. But the court quashed the order, being of opinion, that there was no difference between the master hiring her out, and her own act; and that it was like the case of a hindling to A, and serving B, where it has been always held to be a settlement in B's parish. So the order of sessions was quashed. *Seff. Ca.* vol. 2. case 138. 2 *Strange* 1001. *Mich.* 8 *Geo.* II.

Upon a special order of sessions the case was stated, that an apprentice was bound to A in one parish, but by agreement served B in another parish, and the sessions settled him with B, and by the court; he gains a settlement in the last place; for a person may serve his master in another parish, or place; and although he serves another man, yet it is by consent of his master, and the benefit accrues to his master. *Strang.* 554. *Cases of S.* 153. *Trin.* 9 *Geo.* I. Between the parishes of *Allhallows on the Wall*, and *St. Olave in Surry*.

Parker, Cb. J. delivered the resolution of the court. This is an order for the removal of one *Ferrer*, from the parish of *Holy Trinity*, to *Shoreditch*; by which it appears that *Ferrer* was bound an apprentice to one *Truby*, with an intent that he should serve *Green*; which he did for three years. And it has been insisted, that he being bound to *Truby*, who lives in *Trinity parish*, his settle-

ment is there, and not in *Shoreditch*, where his service was; but we are of opinion the justices have done right in sending him to *Shoreditch*, where the service actually was. It is the same thing as if *Truby* had turned him over to *Green*, in which case there would have been no question but he had gained a settlement in *Green's* parish. If the master removes out of one parish into another, the apprentice gains a settlement if he lives there forty days; the turning over an apprentice is like the signing any deed; in this case *Truby* was only a trustee. There is a great deal of difference between apprentices and other servants; for apprentices are not presumed to become chargeable, because the trade and mystery they learn is their estate; therefore the order must be confirmed. *Strange* 10. *Mich.* 3 *Geo.* I. *Parishes of Holy Trinity and Shoreditch*.

Upon a special order the case was stated, that A was bound an apprentice, and served and inhabited two years, till a commission of bankruptcy was taken out against the master; at which time the apprentice, without having the indenture delivered up, or any discharge at the sessions, hires himself as a common servant into another parish, and served a year. The sessions adjudge this to be no dissolution of the apprenticeship, and consequently, that the settlement of the apprentice was in the first parish where he was bound. And by the court their judgment is right. There could be no dissolution of the contract, unless the indenture had been delivered up, or the sessions had discharged him; as no doubt they would have done, if they had been applied to: and then, as as the first contract had continuance, the apprentice had no power to hire himself; and the service afterwards for a year was void, as to any pretence of giving him a settlement. That service must be taken as a service to the master, who by law was intitled to the wages, and therefore the order must be confirmed. *Strange* 582. *East.* 10 *Geo.* I.

It was stated, that an apprentice was bound in the parish of A, and lived there, off and on, for three quarters of a year. Exception was taken, that it was no settlement, since he might not inhabit forty days together. But by the court, that is not necessary; and the order for making it a settlement was confirmed. *Strange* 579. *Hill.* 10 *Geo.* I. The king against the inhabitants of *Cirencester*.

Upon a special order of settlement it was stated, that a poor boy was bound out apprentice by indenture, and the master had 20 s. paid him; and he served three years; but the master never paid the duty of 6 d. in the pound, according to 8 *Ann. c. 9. sect.* 39. which says, that if the duty be not paid, the indenture shall be void to all intents and purposes whatsoever. The case was referred to *Fortescue justice*, who went the circuit; and he held it a settlement, because the master had six months to pay the duty in, so that during those six months a settlement was gained; and it should not be in the power of the master to defeat it by matter *ex post facto*; and pursuant to this opinion, the sessions held it a settlement. But upon a debate in *B. R.* the order was quashed; for they said, it was making the indenture good to one purpose, when the act of parliament had made it void to all intents and purposes whatsoever; and though it was a hard case, he could not break through the positive words of the act. *Strange* 903. *East.* 3 *Geo.* II. Between the parishes of *Curenden*, and *Layland*, in *Lancashire*.

Upon a special order of sessions, it was stated, that *James Blyth*, in 1706, was put apprentice to *St. Peter's* for four years by indenture, and that he lived there, and served the time; but inasmuch as he was not bound for seven years, as 5 *Eliz. c. 4.* requires, the sessions adjudged it no settlement; and the forty-first session of the statute was insisted on to support the order, which declares, "That all indentures, covenants, and bargains, of or for the having or taking any apprentice, otherwise to be made or taken, than is by that statute ordained, shall be clearly void in law, to all intents and purposes." And one of the former regulations is, that the binding shall be for seven years. And the case of *Curenden* and *Layland* [the preceding case] was relied on, where the apprenticeship was for seven years; but the indentures never stamped, and held to be no settlement.

But

But notwithstanding this, the court was of opinion, there was a settlement, and quashed the order. It appears, that between the twenty-sixth and forty-first sessions, there are many regulations, what sort of persons shall take apprentices, and what not; which are never regarded; and it would be of mischievous consequence now to refer this last session back to all the rest. They said the word void must be construed voidable; as on the *statute West. 2. finis ipso jure fit nullus*, it is yet a discontinuance. *Hob. 166.* and on *23 H. 6. c. 10.* You must plead specially, and cannot avoid a bail-bond on *non est factum*. Here the indenture has had its effect, and neither master nor servant has taken advantage of the objection; and as to the case of *Curenden and Layland*, on the *8th Ann. c. 9.* there were words prohibiting the giving the indenture in evidence; and admitting improper evidence is always a ground to quash. *Stra. 1066. Mich. 10 Geo. II.* Between the parishes of *St. Nicholas* and *St. Peter*, in *Ipswich*.

A is bound apprentice to a seafaring man, and served him for a quarter of a year in the day-time on land, in the parish of *St. Mary Colechurch*, but lay every night on ship-board in *Radcliff*; but the justices apprehending the settlement to be where the service was, sent him thither. *Corbit* moved to quash this order, and likened it to the case of the cobbler above-mentioned. *Chief-justice*: A man properly inhabits where he lies; as in the case where the house is in two leets, he is to be summoned to that in which his bed is; order quashed. *Strange 60. Trin. 1 Geo. I.* Parishes of *St. Mary Colechurch*, and *Radcliff*.

Upon a special order it was stated, that the pauper was bound to a certificate-man in *Tenterden*; and after living with him there two years, was by him assigned over to a parishioner of *Lidd*, with whom he inhabited and served the remainder of the seven years. And the question arose on *12 Ann. Stat. 1. c. 18.* which says, the apprentice of a certificate-man shall gain no settlement, whether the assignment could give him one; and the court were all of opinion, he had gained a settlement in *Lidd*; for the act had not made the binding void, but has only taken away one of the consequences of such binding, for the sake of the certified parish. It never intended to meddle with the case of a legal parishioner's apprentice, and when once there is an assignment to such an one, it is the same as if it had been an original binding; the true construction of the statute is, that in respect to the certificated parish, such binding and inhabitation shall give no settlement. *Sir. 1147. Mich. 14 Geo. II.* The king against the inhabitants of *Pebham*.

Upon a special order of sessions, the case was stated for the opinion of the court; that in 1702, one *Richard Plower* was bound apprentice to *John Emerton*, who was legally settled in *Ivinghoe*; that he served part of his time there, and then the master went with all his family as a certificate-man to *Stone-bridge*, where he purchased an estate of the value of 60*l.* and after such purchase the apprentice lived with him six months, 'till the apprenticeship expired; and because the *statute 12 Ann. c. 18.* provides that the apprentice of a certificate-man shall gain no settlement in the parish to which the master goes by certificate; therefore the judges adjudge the settlement at *Ivinghoe*, where the binding, and great part of the service was. And by the court, the order must be quashed: for as the apprenticeship expired in 1709, the *statute 12 Ann.* is out of the case, not being made with any retrospect; and then the case is no more, than that an apprentice of a certificate man lives forty days in *Stone-bridge*, which before that statute was enough to gain him a settlement; but if this had been a case since the statute, yet we think the settlement would lie in *Stone-bridge*; for according to the case of *Burdear and East-woodhay. East. 5 Geo. I.* in *B. R.* when a certificate-man makes a purchase, he immediately ceases to be there in nature of a certificate-man, and becomes a settled inhabitant; so that laying the statute out of the case, (as we must do, it being nothing to the purpose) in view here is a service for six months as an apprentice, in a parish where the master was legally settled, which is now more than sufficient to give a settlement to the apprentice. *Stra. 265. Hill. 6 Geo. I.* Between the parishes of *Ivinghoe* and *Stone-bridge*.

Statute 31 Geo. II. c. 11. sect. 11. Whereas by an act made in third year of the reign of king *William* and queen *Mary*, intitled, An act for the better explanation and supplying the defects of the former laws for the settlement of the poor, it is enacted, That if any person shall be bound an apprentice by indenture, and inhabit in any town or parish, such binding and inhabitation shall be adjudged a good settlement; and whereas since the making the said act, great numbers of persons having been unwarily bound apprentice, by certain deeds, writings, or contracts, not indented, by which binding many of them have suffered great loss and damage, on account of their having been refused a settlement in such town or parish, where they have been so bound and resided forty days, and have been removed to the parish or place where their last legal settlement was before such apprenticeship, where they had no encouragement to exercise their trades, or opportunity to gain a livelihood by their said trades to which they were so bound apprentices; for the relief therefore of such apprentices, and for preventing the like mischief for the future; Be it enacted, &c. That no person who shall have been an apprentice, or who shall hereafter be bound an apprentice by any deed, writing, or contract, not indented, being first legally stamped, shall be liable to be removed from the town, parish, or place, where he or she shall have been so bound an apprentice, and resided forty days, by virtue of any order of removal, granted by two justices of the peace of any county, riding, division, city, town-corporate, or place; or by virtue of any order of the justices, at their general or quarter sessions, by reason, or on account of such deed, writing, or contract not being indented only.

Pleadings in action brought by and against masters and apprentices.

Action on the case by A against B, for enticing his apprentice (A being a tradesman in London) to depart from his service for six days, and divers times to take money out of the box of the shop, and play at cards with B, and that B cozened the apprentice: the court thought A might well have an action for the departure, and losing the money is a damage to A, and the cozenage is but an aggravation of the offence, and for that the apprentice himself only shall have an action; but in this case, because the damages were entire with respect to the cozenage as well as to the departure, A could not have judgment by the better opinion of the court. *Noy. 105.*

Indictment for causing an apprentice to absent himself from his master, and keeping and detaining him in that absence. It was moved to quash it, because not a thing of a public nature, being no other than an action on the case; but the court said, it was a great offence, and would not quash it; but left the party to demur, if he would. *12 Mod. 195.*

An indictment was for procuring an apprentice to depart unlawfully from his master, and seducing him to take and carry away his master's goods. The defendant was found guilty; and it was moved, that this was only a private injury, for which case lies, and not in its nature public to maintain an indictment; besides, no fact is laid to be done in pursuance of the enticing; and as to the carrying away the goods, no venue is laid where the goods were taken away; and judgment was arrested. *1 Salt. 380.*

A common action of trespass will not lie for enticing an apprentice or servant from his master; but if one will take away my apprentice or servant with force, trespass will lie for the master, declaring upon the force, *per quod servitium amisit*; *per tot. cur. 6 Mod. 182.*

If a man knows that an apprentice ran away from his master, and he keeps and employs him, the proper remedy is to bring an action for so much money paid to the plaintiff's apprentice in wrong of the plaintiff; *per the Ch. J. Barnard. Rep. in B. R. Pasch. 2 Geo. II.* at the fittings at *Guildhall. Aynsworth, v. Wood.*

One of the age of sixteen years put himself apprentice in London by indenture, with the usual covenants, and afterwards ran away with his master's money, whereupon he brought an action of covenant; the defendant pleaded

pleaded nonage; the plaintiff replied, that by the custom of London an infant may bind himself *apprentice*, and in such covenants as are comprized in this indenture, and that he should be bound, &c. as if he was at full age, &c. and upon demurrer to this replication, it was objected, that this custom is pleadable only in the court of London, and not in the Common Pleas, or elsewhere; but adjudged otherwise. *Moor* 135.

Covenant against the defendant, being an *apprentice*, for imbezzling his master's goods: the defendant pleaded infancy when he became bound; the plaintiff replied, that the custom of London is, that one may bind himself *apprentice* at the age of fourteen years, &c. the defendant rejoined, that the custom is, that if one may bind himself *apprentice* at that age, and the indenture is inrolled in *Guildhall*, then it shall bind, and traversed the custom as alleged by the plaintiff: upon which they were at issue, and the court sent to the lord-mayor and aldermen, who certified by the mouth of their recorder, that the custom was as the plaintiff had declared. *Palm*. 361.

Error of a judgment upon the statute for using a trade, not having served an *apprenticeship*, &c. the action was brought in Newbury, and the error assigned was, that it ought to be brought in one of the courts at Westminster; and for that cause the judgment was reversed. *Style* 383.

Covenant upon an indenture of an *apprentice*, wherein he bound himself to serve the plaintiff for seven years; the plaintiff set forth the custom of London, that any person above fourteen and under twenty-one, and unmarried, might bind himself *apprentice*, &c. according to the custom, and that the master might have *tale remedium* against him, as if he had been twenty-one, and alleges, that the defendant did depart from his service *per quod* he lost his service for that term, which was not yet expired: the defendant pleaded a frivolous plea; and upon a demurrer, it was adjudged, that though such a covenant would not bind an infant, either at common law, or by the statute 5 *Eliz.* yet by custom it shall bind him; it is true, here the plaintiff declared for the loss of the defendant's service for seven years, part of which was yet to come, which had been naught after a verdict, but it is good upon a demurrer; because the plaintiff may take damages for the departure only, and not for the loss of the service during that time. 1 *Mod.* 271.

Covenant by an *apprentice*, for that the defendant's testator had covenanted to instruct him (the plaintiff) in the art of a saddler for seven years, and to find him in meat and drink during that term, and assigned the breach; for that after the death of the testator, the defendant, who was his executor, turned him (the plaintiff) out of doors, and out of his service, *et sic* did not find him meat and drink; and upon demurrer, the court inclined at first, that *et sic* was not a sufficient averment of the breach of covenant; but afterwards they held it *et sic* to be only matter of form, and that the *apprentice* remains to the executor; for though he might not instruct him, he must find him in meat and drink. 1 *Sid.* 216.

The plaintiff declared upon an indenture of *apprenticeship*; the defendant pleaded, that at the time of the executing the said indenture he was an infant; plaintiff replies, that by the custom of the city of London, if one under age binds himself *apprentice*, it shall oblige him; and upon demurrer to this replication, it was objected, that it was ill, because a departure from the declaration, for that is at common law, and by the replication he hath enabled himself by a custom; and so is the *abbot of Bokesfaj's case*, *Keilw.* 75. B. but adjudged no departure, for the action is founded on a covenant, and in the replication he only answers the disability in the plea. *Raym.* 16.

Covenant by an infant *per guardianum*, for he being *apprentice* to the defendant by indenture, he did not keep, maintain, and teach him the trade of a woollen-draper, as he ought by his covenant, but turned him away: the defendant pleaded an order of sessions, by which he was discharged from the plaintiff for his disorderly living, and that the order was inrolled; and upon demurrer to the plea, it was held, that the master might be discharged from his *apprentice* by an order of sessions; but it was a question, whether he ought first to make application to one justice, and not to the sessions *per saltum*. 1 *Vent.* 174.

In covenant, the plaintiff declared on the custom of London, that time out of mind, every freeman *solebat* to take an *apprentice*, who by custom, &c. are bound by their covenants faithfully to serve; and that he (the plaintiff) took the defendant *apprentice* by indenture, in which he covenanted to serve seven years, which he had not done; upon which they were at issue, and the plaintiff had a verdict: it was insisted in arrest of judgment, that the declaration was ill, because it was in the *soleit* alone, when it ought to be in the *debet* and *soleit*; for if he is bound to serve, it must be by the custom, because he is an infant; and if by the custom, then it must be *debet* and *soleit*; but adjudged, that he is bound by the covenant, and that the custom is only inducement. 1 *Lev.* 12.

The testator covenanted to teach an *apprentice* his trade; and in an action of covenant against his executor, it was insisted, after a verdict for the plaintiff, that the covenant was personal, and did not oblige the executor; but adjudged, that it did, and if the executor is not of the same trade, he ought to provide another master, who is. 1 *Lev.* 176.

In *debt on apprentice's bond*, that if *apprentices* should imbezzle, &c. if within twenty days after notice given thereof to defendant and one A, and proof to them made, &c. shewing to defendant and A a confession under hand of the *apprentice* is not proof sufficient, the *apprentice* being not *fide dignus*, and notice and proof ought to be given them both together, and not to one at one time, and the other at another time; plaintiff should shew in what place he became *apprentice*, and that he was such a person as might be *apprentice* by 5 *Eliz.* and though the statute is not pleaded, defendant shall take advantage thereof, because it is a general statute. *Cro. Eliz.* 723. pl. 55.

Bond was given for the truth and honesty of an *apprentice*; the master pretended goods were lost, and got the *apprentice* to sign a note as for particulars of the goods lost, and the value of them, but let the notes sleep for two or three years without acquainting the obligor with it: a bill was exhibited against the master to be relieved against the bond, and an issue was directed on a *quantum damnificatus*, but the note not to be given in evidence; and afterwards the defendant, the master, who was plaintiff in the action at law, being nonsuited upon full evidence, a perpetual injunction was decreed against the bond for all breaches past before the action brought by the master at law. *Finch. Rep.* 47.

A, a father, on putting out his son *apprentice* to B, was bound in a bond of 1000 l. penalty for his son's fidelity; the son imbezzles 203 l. which A paid, but desired B to trust the son no more with cash, or but very sparingly. About a year after, the son imbezzled about 300 l. more, and so it stood for several years, when upon account it appeared he had imbezzled 2750 l. but of this B gave no notice to A, till two years after *apprenticeship* ended. The master of the rolls decreed A to pay 1000 l. over and above the 203 l. before paid; but lord chief justice King decreed the payment of so much as would make it in all 1000 l. and the 203 l. to be as part of it. 2 *P. Williams* 288.

Regulations of apprentices to masters of ships, &c.

Boys above ten years of age chargeable to any parish may, by the justices, mayors, church-wardens, &c. be bound *apprentice* to masters of ships, till the age of twenty-one years: their ages to be inserted in their indentures. 2 and 3 *Ann. c. 6. sect. 1.*

The indentures to be sent to the collector of the customs, at the port to which the master belongs, who is to register and indorse the same, on forfeiture of 5 l. and to transmit certificates of their names, ages, and to what ship belonging, to the admiralty. 2 and 3 *Ann. c. 6. sect. 5, 13, 15.*

Parish-boys bound *apprentices* may, by consent of the justices, &c. be turned over to the sea-service, for the remaining time; but their indentures of assignment must be registered, &c. 2 and 3 *Ann. c. 6. sect. 6.*

The counter-part of their indentures to be sealed and executed in the presence of, and attested by the collector and the officer who brought them; which officer is to transmit

transmit such counter-part to the church-wardens, &c. 2 and 3 *Ann. cap. 6. sect. 11.*

Such boys not to be impressed, nor listed in his majesty's service, till they be eighteen years of age. 2 and 3 *Ann. c. 6. sect. 4, 5.*

Ships from thirty to fifty tons to take one such, from fifty to a hundred tons two such, and one more for every hundred tons they carry above that. Masters refusing to take them accordingly, forfeit 10l. 2 and 3 *Ann. c. 6. sect. 8.*

Masters after their arrival, and before clearing, to certify to the collector, the number of such apprentices aboard. 2 and 3 *Ann. c. 6. sect. 9.*

Collectors to transmit an account of all such apprentices to the quarter-sessions, &c. when required, on forfeiture of 5l. 2 and 3 *Ann. c. 6. sect. 13.*

Collectors to insert at the bottom of the cocket, the number of the men and boys on board each ship, describing such apprentices particularly, their names, ages, and dates of their indentures. 2 and 3 *Ann. cap. 6. sect. 14.*

Persons voluntarily binding themselves to the sea-service, may not be impress for three years, and to have protections accordingly. 2 and 3 *Ann. c. 6. sect. 15.*

An indenture of apprenticeship.

This indenture made the day and year, &c. witnesseth, That A. B. son of, &c. hath of his own free and voluntary will, placed and bound himself apprentice unto C. D. of, &c. to be taught in the trade, science, or occupation of, &c. which he the said C. D. now useth, and with him as an apprentice to dwell, continue, and serve him from the day of the date hereof, untill the full end and term of seven years; from thence next ensuing, and fully to be compleat and ended; during all which term of seven years, the said apprentice his said master well and faithfully shall serve, his secrets keep, his lawful commands every where gladly do; hurt to his said master he shall not do, nor wilfully suffer to be done by others, but of the same to his power shall forthwith give notice to his said master; the goods of his said master he shall not embezzle or waste, nor them lend without his consent to any; at cards, dice, or any other unlawful games, he shall not play; taverns or alehouses he shall not frequent; fornication he shall not commit; matrimony he shall not contract; from the service of his said master he shall not at any time depart or absent himself, without his said master's leave; but in all things, as a good and faithful apprentice, shall and will demean and behave himself towards his said master, and all his, during the said term. And the master his said apprentice the said trade, science, or occupation of, &c. which he now useth, with all things thereunto belonging, shall and will teach and instruct, or cause to be well and sufficiently taught and instructed, after the best way and manner that he can; and shall and will also find and allow unto his said apprentice, meat, drink, washing, lodging, and apparel, both linen and woollen, and all other necessities fit and convenient for such an apprentice, during the term aforesaid; and at the end of the said term, shall and will give to the said apprentice, one new suit of apparel, &c. In witness, &c.

APPURTENANCES, signify things both corporeal and incorporeal appertaining unto another thing as principal: as hamlets to a chief manor; and common of pasture, piscary, &c. also liberties and services of tenants. *Brit. c. 39.* If a man grant common of estovers to be burnt in his manor, these are *appurtenant* to the manor; for things *appurtenant* may be granted at this day. *Co. Litt. 121.* Common *appurtenant* may be to a house, pasture, &c. out-houses, yards, orchards, and gardens are *appurtenances* to a messuage; but lands cannot properly be said to be *appurtenant* to a messuage. 1 *Lill. Abr. 91.* And the messuage cannot be *appurtenant* to another. *Ibid.* Lands cannot, according to the right sense of the words *cum pertinentiis*, be *appurtenant* to the house; but the word *pertinens* may be taken in the sense of usually lett or occupied with the house. *Plowd. 170.* Lands shall pass in a lease, or devise of a house, with the *appurtenances*, as pertaining to the same, when it hath been used and

occupied with it ten years or more; which is judged a sufficient time to make it appertaining to the house. *Cro. El. 704.* Lands, a common, &c. may be *appurtenant* to a house, though not away. 3 *Salk. 40.* Grant of a manor, with the words *cum pertinentiis*, it is said will pass all things belonging to the manor. *Owen's Rep. 31.*

Adjudged that where a man hath a thing appertaining to a house or mill, the most durable thing is the land, being the foundation on which it is built, therefore though the house or mill falls by the act of the owner or another, yet because the most durable part remains, he may build it again without the loss of the appendancy or *appurtenance*, but then it must be built upon the old foundation. 4 *Rep. 86.* *Lutterell's case.*

So a devise of an house, with the *appurtenances*, and the devisee claimed some land in the field by virtue of this devise; and adjudged that he might have it, if it had been used with the house for the space of ten years, or more, for that should be sufficient time to make it appertaining to the house. *Cro. Eliz. 704.* *Yates versus Clanrickard.* *Moor 221.* *Higham versus Horwood, S. P. 1 Leon. 34.* *S. C. Godbolt 40. S. C. Cro. Eliz. 16.* 6 *Rep. 64. a. contra.* 3 *Leon. 214.* *Chard versus Tuck, S. P. Cro. Eliz. 89. S. P.*

Three *coparceners* of a manor to which a leet did appertain; the king purchased two parts of the manor with the *appurtenances*: adjudged, that the leet is not extinguished, but remains appendant to the other third part; for the king had not all the leet by the alienation of the two sisters, but shall hold court with the third. 1 *Aud. 26.*

Trespas for entering his close, and taking and carrying away his hay; the defendant justified under a title to the land where the hay did grow; for that there was a chapel dissolved in the reign of Edward VI. and the possessions thereof (of which this land was parcel) descended to the queen, who in the thirty-second year of her reign, made a lease thereof by the name of all that chapel *de A. fundatum in ecclesia de B. cum pertinentiis*, under which lease the defendant claimed the tithes; and upon a demurrer to this plea, it was objected, that it was ill, because it is not said, that the tithes did grow on the lands belonging to the chapel: *sed per curiam*, By the grant of the chapel *cum pertinentiis* all the tithes belonging to it shall pass. 2 *Roll. Rep. 150.* *Grubham versus Grate.*

A copyholder for life, who had right of common in the lord's waste, purchased the freehold, which was granted to him with the *appurtenances*; adjudged, that by making it a freehold, the common which was annexed to the customary estate was destroyed, and that by his own act, and that it shall not be revived by those general words in the grant *cum pertinentiis*, without some special words to pass it again. 2 *Cro. 253.* *Marshall v. Hunter. Postea Common. (E. 2) S. C. Cro. Eliz. 794. contra.*

In replevin, &c. The defendant avowed, that G. D. was seized of an house in C. in fee, and of several lands, &c. to the same appertaining, whereof the *locus in quo* was parcel; exception was taken to this avowry, because land cannot properly be said to appertain to an house; it is true, it may pass by such words in a deed, but in pleading it ought not to be so alledged; and so it was adjudged. *Cro. Eliz. 919.* *Willmot v. Carne.*

Certain lands came to H. VIII. upon the dissolution of a priory, who demised the same to B. B. for years; the lessee built an house upon these lands, which afterwards came to queen Elizabeth, and she granted all that messuage, and the lands thereunto belonging: adjudged, that though the house was not built on the lands when demised by Henry VIII. but afterwards, and before the queen granted the same, yet the grant is good, and the lands may be properly said to be appertaining to a house, when they have been let and enjoyed with the house a convenient time. *Cro. Car. 120, 168.* *Jennings v. Lake. Postea pl. 8. S. P.*

In ejectment, &c. the case was, a copyholder in fee of a tenement called Heyham's, built a new building on six foot of the waste, which he did by encroachment, and afterwards the lord of the manor made a lease of the six foot, so built on by the copyholder for 100 years; this lease was made anno 33 *Eliz.* and afterwards the copyholder, anno 1 *Jac.* surrendered the said tenement called Heyham's, to the use of B. B. and his heirs, and anno 5 *Jac.* assigned all his term in the said six foot to the said B. B. who by in-

denture, anno 19 *fac.* made a lease of the said tenement called *Heybam's*, with the *appurtenances*, to *E. W.* for seventy years: adjudged, that the new building on the six foot of waste ground did not pass by the word *appurtenances*; for it being built anno 33 *Eliz.* and it being not found that it had been used altogether with the tenement, or reputed as parcel thereof, nothing passed but what was parcel of the tenement at that time; but in a devise it might have been otherwise. *Cro. Car. 12. Brian versus Witherland.*

By the later authorities, lands will not pass by the word *appurtenances*, but only such things which do properly belong to the house; as where a man was seized of two houses and of eighty acres of land belonging to one of them, known by a particular name, and made a feoffment of the house and eighty acres to *B. B.* who made another feoffment to the said feoffor, by which he took back the same house and lands, and forty acres more by another name; and about ten years afterwards he devised this house and all the lands thereunto appertaining, to his youngest son; adjudged, that though he used the forty acres with the house for ten years and more, yet it would not pass by these words thereunto appertaining, because they were conveyed to him by a new name. *Palm. 375. Loftus versus Baker. Godb. 352. S. C. reported by the name of Knight's case. Cro. Car. 57. Hearn v. Allen, S. P. Hull 85. S. C. Litt. Rep. 8. S. C.*

Upon a demurrer to an English bill, in the Exchequer, it was held by Hale chief baron, that return of writs may be claimed by prescription as appertaining to a manor, but more especially it may as appertaining to an honour; because those have larger incidents than manors, and that where the pernor of the profits is sued, the plaintiff need not shew how he claims this privilege; but in a *quo warranto*, where the defendant must make a title, he must shew how he claims it. *Hardres 423. Countess of Pembroke v. Lord Burlington.*

The testator had a house and a kiln built upon distant parts of a close, and also two mills to make oatmeal, adjoining to the said close, which were used with the house for several years, but were lately divided; then he sold the house with the *appurtenances*, and part of the close to one, and devised the mills with the *appurtenances* to another: adjudged, that the kiln did not pass; for by the grant of the house with the *appurtenances*, nothing passed but what properly belonged to the house. *1 Lev. 131. Archer v. Bennet.*

Trespass for digging turfs in his soil, the defendant justified by a grant of the lord of the manor to *T. S.* and his heirs, to dig turfs there to be burned in his house, and that *T. S.* granted the house *cum pertinentiis* to the defendant and his heirs: adjudged, that the *turbary* passed by these words, without being especially named, as *common appurtenant* may, because it passed with the lands to which it is *appurtenant*. *3 Lev. 165. Solmes v. Bullock.*

In a special verdict in ejectment the case was, That 1 *August*, 1606. King James was seized in fee, in right of the crown, of a pool of water and three gardens, in the parish of *St. Margaret, Westminster*, and that a water-work was then erected in the said gardens, and that the pool was used with the water-work, till 12 *March*, 11 *fac.* and then the king by letters patent did grant the gardens with the water-works and *appurtenances*, & *omnia stagna, gurgites*, &c. to the premises appertaining; the question, whether the soil passed by the words *stagnum* or *gurgites*, or either of them; if it did, then whether it passed as appertaining to the water-work, built anno 6 *fac.* and passed away with the pool as appertaining to it, anno 11 *fac.* or as appertaining to the gardens; which seems in a short time to gain a reputation, as appertaining, &c. adjudged, that by the word *stagnum*, the water and soil passeth; and as to the word *appertaining*, a thing may be said to be appertaining in relation to the extent of the grant, as where an ancient messuage is granted with the lands thereunto belonging; now, if some lands were of late years occupied with that messuage, it may be a question, whether those lands pass by the word *appertaining*; but it is a question only what was intended to pass, and that relates to the extent of the grant; but in the principal case the word *appertaining* relates to the thing granted, and without which it could not be used, and in such case it is *appertaining*

immediately, and as soon as it is annexed to it; and therefore the jury having found that the water-work could not work *sine stagno prædicto*; they find that the water and soil, which is comprehended by the word *stagnum*, was necessary for the work, and it could not work without it. *Vaugh. 107, 110. Price v. Braham.*

AQUA FORTIS, and the spirit of nitre are the same, and differ only in the manner of making. The former is distilled with vitriol and colcothar, the other with clay, bole, oil of vitriol, brick dust, &c.

The generality of assay-masters use *aqua fortis*, as being more easily prepared, by reason that a quantity of vitriol, much less than the terrestrial mixture before-mentioned, and with less fire, separates the spirit out of the same quantity of nitre.

The distillation of *aqua fortis* is performed as follows; viz.

Put vitriol into an earthen, or iron pot: if you make a fire under it, the vitriol begins to melt and smoke; by encreasing the fire gradually, it thickens and assumes an ash-colour. Let it be stirrid with a rod just before it becomes solid, till it be perfectly dry; but let it be taken as yet boiling out of the pot, for, if it grows cold therein, it will stick so fast that you will hardly be able to get it out. Pound to a subtle powder three pounds weight of this calcined vitriol, and mix them well with four pounds of nitre well dried, and pulverized very fine. Put these together in a cucurbit, or retort, or an iron pot, and then put it in a furnace.

At first let the fire be made not much greater than is necessary to boil water. When the receiver grows warm, continue the same degree of fire, till all the phlegm is expelled, which you will know from the diminution of the heat of the receiver: encrease the fire gradually, till you see a few yellow vapours arise. Keep up the same fire for an hour or two, and make it so strong as to warm the vessels moderately. Continue this for some hours, and, letting the vessels cool, pour the liquor, now emitting reddish fumes, out of the receiver into a glass vessel, having a glass stopple: this liquor, thus prepared, is your *aqua fortis*.

Use and application of aqua fortis in divers cases.

1. In this operation you must always proportion the duration of the degrees of your fire to the quantity of the matter to be distilled.

2. For security's sake you must leave within the receiver and vessel that contains the matter to be distilled, a hole, which may be stopped and opened with a wooden peg; for, if you happen to exceed the just degree of fire, especially in the beginning of the operation, the first and more subtle spirits, which are very elastic, come forth; the opening, therefore, of the hole may give them a passage, lest the vessels burst, which would be very dangerous.

3. The better your nitre is refined, the better will the *aqua fortis* be. Avoid carefully the mixture of sea-salt therewith, for the reason we shall give, when we treat of *aqua regia*.

4. There are many ingredients used in the making of *aqua fortis*, such as burnt allum, sand, and the like; the reason whereof is, to hinder the species, which may happen not to be sufficiently calcined, from foaming, and from breaking the vessel with great violence. But, when these species are duly calcined and dried, these additions are quite needless; and indeed, by overfilling the mass to be distilled, requires vessels of a size proportionable.

5. There are many other needless and noxious ingredients used by some in the making of *aqua fortis*. These are blood-stones, unslaked lime, allum plumosum, &c. all which should be avoided, as they make a much worse, as well as a more expensive *aqua fortis*. Water thus made, therefore, should never be used in doctrinal operations, before it has been accurately tried: for *aqua fortis* being tainted with these heterogeneous matters, the major part of it consumes away, and becomes frequently so fixed, that the strongest fire is hardly able to take off any of it. Nothing should be used besides calcined vitriol, intimately mixed with nitre, there being no need of any thing else.

6. However, bole, clay, and brick-dust, do expel *aqua fortis* out of nitre, which then is called the *spiritus nitri*; but you must add four times as much of these, in proportion

tion to the nitre; consequently, this method, requiring larger vessels and more fire, cannot be so profitable as without these ingredients.

7. As the extracted spirits of nitre are with difficulty condensed into drops, especially in sultry weather, it will be proper, by reason of the calcined ingredients, to pour into the receiver, one quarter part of pure water, or rather of the phlegm, extracted out of the *aqua fortis*; by which means the spirits will be much easier received.

8. *Aqua fortis* dissolves and corrodes all gritty stones, and the several kinds of those that are vitrifiable, and not consumed by fire; but it has no power on flints nor sand.

It also dissolves iron, copper, lead, silver, mercury, regulus of antimony, bismuth, and zink; tin imperfectly; gold not at all.

10. Common *aqua fortis*, when poured on silver, generally grows troubled in the beginning of the dissolution; a little after the dissolution is perfect, a precipitation of a whitish powder being made.

If this powder, taken by itself, melts in the fire with pot-ash, you will find a regulus of silver collected. This sometimes melts with difficulty in the fire, and has all the characteristics of calx of silver precipitated from *aqua fortis*, by oil of vitriol.

This happens, because the *aqua fortis* has been extracted by too great and too lasting a fire, or because too great a quantity of calcined vitriol has been used, or because the mixture of the nitre and vitriol has not been rightly made: for, in these cases, these appear, when the distillation draws to an end, opaque, milky, vitriolic fumes in the receiver; which phenomena sufficiently manifest the cause of the aforesaid precipitation. The above-mentioned calx very seldom proves fluid in the fire; it afterwards turns into horn-silver, and shews that the impure nitre, bought for the distillation of the *aqua fortis*, was intermixed with marine salt, which adulteration should be carefully guarded against.

11. As the dissolution of silver, especially, that by which gold is separated from silver with *aqua fortis*, is considerably hindered, and made very uncertain, by this kind of precipitation before-mentioned; that part of the oil of vitriol, and of the spirit of salt, which spoil the *aqua fortis*, must be separated; which is done in the following manner.

Pour about one thirtieth, or one fortieth part of the *aqua fortis* to be purified, into a small cucurbit, and over a gentle fire dissolve silver in it, to such a quantity as may fully saturate the *aqua fortis*. If in the beginning of the dissolution the troubled *aqua fortis* looks milky, it wants purification: then pass through a filtre the warm dissolution, which, being clear, pour, drop by drop into the rest of the *aqua fortis* that is to be purified: this will become milky, as before; continue to infill the *aqua fortis* till the dropping in of the smallest drop doth not at all disturb it, or render it milky. Let it rest for some hours, that the precipitated calx may subside; which done, again let a drop fall, and repeat it constantly, till at last the milky cloud is no longer produced by the falling of the drop. Decant the pure and limpid *aqua fortis* from the calx which subsided at the bottom, or strain it gently through a four-folded filtering paper, which ought to be small, lest it should break by being overloaded with too much of the *aqua fortis*. The remaining calx is such as we have mentioned in remark 10, and the *aqua fortis* is perfectly purified for use.

12. Some are wont to use common silver mixed with copper, or copper alone, for the precipitation of the spirit of marine, or vitriolic salts, from *aqua fortis*: but this does not succeed, when the spirit of marine salt is to be precipitated, because this being mixed with *aqua fortis* dissolves copper perfectly. The oil of vitriol is, indeed, expelled from *aqua fortis* by means of the copper, in the form of a whitish dust, but not so perfectly as by silver; otherwise it appears in this operation, that the precipitating body adheres to that to be precipitated, and sinks to the bottom together with it, and therefore cannot be a proper precipitator on this occasion.

13. The best *aqua fortis* is often tinged with a greenish colour, occasioned by being exposed for some days to the open air, and thus deprived of its fuming red spirit, by pouring upon it some fresh strong *aqua fortis*, still emitting its fumes; or by being diluted with water.

That you may be certain this colour does not proceed from copper, pour a little of the liquor into a small cucurbit, and add to it as much of an alkaline dissolution, or spirit, as is sufficient to saturate the acid: if there is ever so little copper, the colour becomes of a very dark azure, with a cloudy precipitation; because the nitre has been thereby regenerated, which does not dissolve copper so much as *aqua fortis* does: but, if there is no copper, the colour vanishes entirely.

14. *Aqua fortis*, prepared and corrected according to what has been said, must be concentrated to a certain degree: for, if it is too weak, it either retards the dissolution, or often does not even affect the silver.

If, on the contrary, it is too strong, it vanishes into fumes, which rush violently out of the vessels, though sufficiently deep, hurrying part of the silver along with them; but, if there is any thing of gold in the silver, it is corroded into a dust, the perfect collection of which is afterwards very difficult. The first fault is remedied by pouring the *aqua fortis* into a deeper cucurbit, and by extracting the phlegm out of it, over a gentle fire, till you see yellowish fumes appear; but, to find out whether it is too strong, you are to use the following method:

Melt together one part of gold and four parts of silver, of which make a plate, which you are to cut into three, or more parts: roll up each part, that it may more conveniently be introduced into a small cucurbit: when rolled up, and slightly heated at the fire, put this small plate into the said cucurbit; pour upon it *aqua fortis*, about the triple of the weight of the metal, and put it on a gentle fire: if then the silver is eroded from the gold, so that the gold remaining retains the very same figure of the plate rolled up, and there appears no reddish dust at the bottom of the vessel, then the *aqua fortis* has the proper degree of strength; but, if the dissolution has been made with so much violence that the powder of the gold was eroded, or the plate almost broken, the *aqua fortis* is too strong. In this case you must dilute it with one tenth or eighth part of pure water, or rather of weaker *aqua fortis*, or of the phlegm that was extracted from it: which done, you must repeat the trial of the dissolution of a like small plate, several times over, till the silver be dissolved, without the least diminution in the gold, whereby you may be sure of the requisite degree of strength in your *aqua fortis*.

15. *Aqua fortis* is excellent when it comes again, after having been by fire expelled out of dissolved metal, because it may be almost entirely fetched out of it by distillation. In order to this, you introduce into a middle-sized glass cucurbit, fitted to an alembic, with an hole in it, one pound, or one half pound, of the same dissolution, and distill it into a large receiver, that the drops may fall one after the other, at the interval of some seconds: when the phlegm of what remains shall be drawn off to some ounces, let the like quantity of a fresh dissolution, gently warmed, be put anew into the cucurbit, and be drawn off again; and let the pouring on of the fresh dissolution be reiterated in the same manner, till it is all grown thick.

This must be done in a small cucurbit, several times over; lest a large vessel, being overcharged with too great a quantity of the dissolution, should burst all of a sudden, and the *aqua fortis* and metal be lost at once. When, after the extracting of all the phlegm, yellowish fumes begin to appear by increasing the fire a little, let a drachm, or half a drachm of fuel be added, lest the remaining metal, being dried up, should so strongly adhere to the sides of the vessel as that it could not be taken off: when at last the mass shall be quite dry, let it be put on the fire, till it becomes red hot. The calx of metal which remains at the bottom of the cucurbit must be collected, and melted with pot-ash, or borax.

16. When pure fine silver is dissolved in *proof aqua fortis*, the liquor will be pellucid: but, if any alloy, or copper, remain mixed with it, the solution will have a bluish or greenish cast. If this solution of perfectly pure silver be diluted with fair water, it will still remain pellucid, without letting any thing precipitate. But, if any saline matter be contained in the water, the whole will turn thick, or milky. The solution of pure silver properly

properly weakened with water occasionally, may be commodiously used for staining the skin, or other animal substances, black; and if white, grey, or red hair be moistened with it, the hair will soon become of a beautiful brown, or jet-black colour; for which purpose it may be used with safety, care being taken not to touch the skin therewith, for thus a blackness would be occasioned, that requires many days before it goes off again; but it disappears at length, by the 'scarf-skin scaling off, without causing pain, or leaving any sore behind.

17. The solution of pure silver has an intolerable bitter taste, though by the eye it be not distinguishable from fair water: whence we have an eminent instance how metals may be concealed from the sight, or remain lodged in unsuspected liquors, and thence be introduced invisibly into other substances; whence the greater caution should be used by all pretenders to the melioration and transmutation of metals.

This solution of silver is the foundation of several medicinal and chemical preparations, as the vitriol of silver, the lunar caustic, the silver pill, &c.

19. The silver is recoverable from the solution, barely by suspending a copper-plate therein: for, copper being more easily dissolved by *aqua fortis* than silver, the silver is therefore precipitated to the bottom, in the form of a powder, and being washed and melted, comes into a metalline lump again.

20. *Faschius* says, in treating of the sediment of department waters, that if gold, by quartation, be mixed with silver, and again separated from it by *aqua fortis*, it will constantly be found to have encreased its weight, which encrease he attributes to the silver adhering to the gold; but it still remains for experiment to decide, whether this additional weight be truly owing to the silver, or whether it be an encrease of real gold. For more matter hereon, see the articles *REFINING*, and *GOLD* and *SILVER*.

21. *Aqua fortis* is also used as an instrument in gilding. See the article *GILDING*.

It is applicable to the art of dying likewise. See the article *DYING*.

The spirit of nitre is found to heighten and improve the rich colour of cochineal into the brightness of burning fire; but then its acrimony must be rectified with a proper application of tin, after which it neither hurts wool nor silk, yet retains all its brightness.

Great quantities of *aqua fortis* were annually exported from England to France and Flanders; but within these few years, the demand has been inconsiderable. *Murray*, who fled from a commission of Bankruptcy, and was formerly manager of the *aqua fortis* and copperas-works at *Deptford*, has established very large works near Brussels, under the sanction, and with the assistance of the government at Brussels, and has succeeded so well, that these works will prove greatly detrimental to this branch of commerce in England, *Murray* being enabled to sell his *aqua fortis*, oil of vitriol, and copperas, much cheaper to the Flemings, the French, and the Dutch, than it can be exported from England.

AQUA SECUNDA, is *aqua fortis* which has lost part of its dissolving quality, after being used in the parting of metals.

AQUA REGIA, or *aqua regalis*, or *aqua regis*, as some call it, is a strong corrosive spirit, which dissolves gold. The method of making it is as follows, viz.

When the spirit of nitre is duly prepared, as under the head *aqua fortis*, the spirit of sea-salt must also be prepared. See that article under *SALT*.

When these two spirits are mixed together, the mixture is called *aqua regia*. Or, to have it excellent, put into a glass retort *aqua fortis* of the best kind, well proved, and of the requisite strength, according to what has been said under *aqua fortis*; add to it half the quantity of common salt, perfectly dry, and pulverized; in a sand-bath force up the spirits, first, by a slow, and afterwards by a strong distillation. Or, if you put into *aqua fortis* one quarter-part of salt ammoniac, it immediately assumes a yellow colour, and emits abundantly the white vapours of the spirits of salt, which soon produces true *aqua regia*.

However, you are to take care, in this second method,

that the vessel containing the mixture be not presently shut up close; for in that case it would burst. Besides, this mixture must be made under the chimney, lest the suffocating spirits should spread all over, and fill the laboratory, and prove injurious to the operators.

Aqua regia dissolves perfectly iron, copper, tin, gold, mercury, regulus of antimony, bismuth, and zink; it dissolves even lead more than spirit of salt does; it becomes, however, somewhat troubled in the operation.

If it has its requisite degree of strength, it does not dissolve silver; but, if you put into it a quantity of salt ammoniac, or of marine salt, or of spirit of common salt, it will then corrode silver, nay, even dissolve it in part.

The reason is self-evident why, in the separation of silver and gold by *aqua regia*, it is better to use a quantity of spirit of salt, or of marine salt, or of salt ammoniac, exceeding, than short, of the right measure: nor is it less evident, why an exact separation of silver and gold is better effected with *aqua fortis* than with *aqua regia*; as the former never corrodes gold, whereas the latter corrodes silver frequently.

The solution of gold by *aqua regia* is yellow, or gold-coloured, and tinges the skin purple, and if the solution of gold be precipitated with salt of tartar, and the powder be carefully dried, it makes the *aurum fulminans*, so called from the violent explosion it goes off with, when heated beyond a certain degree. See the article *GOLD*.

If the gold be dissolved in *aqua regia*, made by distillation from equal parts of salt-ammoniac, and nitre, either with or without powdered brick, or calcined flints, and the solution be digested, and several times cohobated, with the addition of fresh liquor, *Becher* assures us, the gold will thus become totally volatile. *Reset. Chymic. exp. 2. p. 192.*

A similar, or still more potent menstruum, is given us by *Cassius*, *Traclat. de Auro*, p. 101. who, mixing pure nitre with oil of vitriol, thence distilled a spirit, and, obtaining another in the same manner from common salt, joined the two spirits together. In this species of *aqua regia* he dissolves gold, then draws off the menstruum, till a melaginous substance remains behind, to which he again adds as much of the *aqua regia* as makes up the former quantity; then again abstracts, and so repeats his cohobation thrice. Lastly, he mixes, along with the remaining melaginous matter, twice its weight of well dephlegmated oil of vitriol, and, by distilling it in a strong heat of sand, there ascended, as he expresses it, most elegant rubies; which expression is not so extravagant as it may appear: for *Kunkel* also tells us, that, by pouring a little oil of vitriol into a solution of gold, and distilling it over with a strong fire at last, a portion of the gold will not only ascend in the form of red drops, but also sublime to the top of the cucurbit, in the appearance of feathers, or flowers, tinged of a most beautiful red: but if these flowers are exposed to the open air, they will again run into a yellow-coloured liquor. *Kunkel, contra non entia Chymic. p. 105.*

The aforesaid *Cassius* proposes likewise a more expeditious method of volatilizing gold, by means of the smoaking spirit, which in the space of an hour, sublimes it into yellow flowers. In order to this, he evaporates a solution of gold made with *aqua regia*, till it leaves only a little purple cake behind; upon this he pours the smoaking spirit: then, clapping the head upon the cucurbit, he distils in hot sand; and, as soon as ever the matter comes to be agitated by the heat, the smoaking spirit very impetuously carries up the particles of the gold, and sublimes along with them into yellow round flowers.

There are certain other powders, or crocuses, prepared from gold, called *croci solis*, being principally of three different colours, and having four different uses.

The first is a black, or dusky powder, that serves for extemporaneous gilding: the second is of a saffron colour, being made with *aqua regia*, by exhalation, commonly called the *calx* of gold, and serving for various purposes of amalgamations and extractions: the third, made with *aqua regia* by precipitation, is of a yellow colour, and called *aurum fulminans*, which is of use in medicine: and the fourth is a purple powder, made of the *aurum fulminans*.

The manner of preparing the first is thus: having made a solution of gold in five or six times its quantity of common *aqua regia*, let clean linen cloths be dipped therein and dried, continuing, or repeating, the operation till all is soaked up. There put the cloths into a little crucible; and burn them with a small and gentle ignition, and keep the remaining matter for use, under the form of a fine black powder; a little of which being taken up with a wet cork, and rubbed upon a plate of silver, will immediately gild over the metal; though it must be observed, that more gold is consumed in this way than in the common of gilding by amalgam. See the article GILDING.

The second, or saffron-coloured *calx* of gold, is made by distilling, or evaporating to dryness, a solution of the metal made in *aqua regia*; the fire being at last encreased, so as gently to ignite the remaining matter.

The third, or yellow *calx* of gold, is prepared by gently pouring oil of tartar, *per deliquium* into a solution of the metal made with such *aqua regia* as contains falt-ammoniac, by which means the gold is precipitated in the form of a yellow powder. After the liquor, therefore, has stood a proper time to subside, the clear part thereof that floats above the powder is decanted, and the sediment several timesedulcorated with hot water, and at last permitted to dry with a very mild and gentle heat.

If a little of this powder be laid upon an iron, or any other metalline plate, placed over a candle, or burning coals, it takes fire, and goes off with a very brisk report, and so strong an impetus, as to strike a remarkable cavity into the plate. From which phenomenon some have imagined that this powder had a tendency, contrary to that of fire, though in reality, the explosion is made *ab aquavivum*, or in all dimensions alike. See Boyle's *Abridgement*, vol. ii. page 519; and *Memoires de l'Acad. de Scienc. ann. 1719*.

The fourth is made by mixing, or gently grinding, common sulphur, or the flowers of it, along with this *aurum fulminans*, and afterwards melting the mixture with a gentle heat, which at last is to be so far encreased, as to set on fire, and burn out the sulphur, whence a purple powder will be left behind.

AQUA SIMPLEX, or simple water, is *aqua fortis* that has been distilled, and has nothing left but phlegm. It is used in the mint, and by silver-smiths, in order to begin to soften the grains of silver.

AQUA EXTINGUATA, or extinguished water, is *aqua fortis* into which some river water has been poured, in order to qualify it, and render it less corrosive. Its use is to get the silver from the *aqua fortis* that served to part gold from it.

AQUA MARINA, a precious stone found on some parts of the coast of the ocean. It is of a pretty beautiful sea-green, which it is thought to acquire by being tossed up and down on the sand by the tide's ebbing and flowing. It is almost as hard as the oriental amethyst. See AMETHYST.

AQUA VITÆ, is commonly understood of what is otherwise called brandy, or spirit of wine, either simple, or prepared with aromatics.

Some, however, distinguish between them, appropriating the term brandy to what is drawn from wine, or the grape, and *aqua vitæ* to that drawn after the same manner, from malt, &c.

Brandy, *aqua vitæ*, spirits, or distilled waters may be imported. 5 and 6 W. and M. cap. 2. *sect. 2*.

Aqua vitæ, single or double, imported in casks not containing sixty gallons at the least, forfeited, or the value. 4 and 5 W. and M. cap. 5. *sect. 8*.

AQUATIC, something belonging to, or that lives in in, or near the water.

Thus animals or plants which live or grow in the water are called aquatic animals and plants.

AQUIFOLIUM, the holly-tree. From the bark of the holly is made bird-lime, and the wood is used by the turners for many of their wares, being very hard and white, and polishing very smooth.

AQUILA, in chemistry, has several significations; as spirit of mercury, arsenic, sulphur, the philosopher's stone; sal ammoniac also is called *aquila*, because of its

levity in sublimation; and Paracelsus often uses it to signify *mercurius præcipitatus*.

ARABIA is a country of very considerable extent, reaching from 13 degrees to 13½ of latitude, and from 43 to 60 of east longitude; that is, 22½ degrees, or 1350 miles from north to south, and 27 degrees, or 1620 miles from east to west. Some modern geographers give it a much greater extent, and others a less; and considering how little we are acquainted with that country, it is no wonder if we find some difference amongst those who have written of it. Whatever its true breadth is, which is computed from Jodda on the west, to cape Rosfelda on the east; it is much contracted in the middle and both ends, especially on the north side, where it runs into a narrow point between Syria and Palestine, and Diarbeck. Arabia lies between the second, third, fourth, and fifth climates; so that their longest day in the south is about fourteen hours and a half, and in the north eighteen hours and a half. This vast difference of climates, joined to the nature of the soil in many parts of it, makes the country to be mostly barren, hot, and dry; to afford but little sustenance to man or beast, and consequently to be thinly inhabited. Such as it is, it is bounded on the east by the Arabian or Persian gulph, and part of the Arabian sea; on the west by the Red-Sea; on the north by Palestine and Syria-Proprie; and on the south by part of the main ocean.

This country has all along preserved its ancient name amongst other nations; but when it had it is not agreed. Some derive it from the Hebrew עֲרָבִי, *Harabi*, which signifies a robber or free-booter, as that nation is known to have always been; others from another signification of that Hebrew word implying mixture, or a mixt multitude, which sense is no less agreeable to their character; for there is no room to doubt but that they have been much intermingled with other nations, and are accordingly styled by the prophet *Jeremiah*, the mixed people that dwell in the wilderness. They were again mingled with the *Saracens*, whose name imports both a thief and an inhabitant of the desert; to say nothing of those *Canaanites*, who likewise incorporated with them on being driven out of their country by the Israelites.

This country, though so very large and remote, is perhaps the best described by ancient geographers of any in Asia, which is the more remarkable, as its inhabitants are not known to have made any figure in the world, till the decline of the Roman empire, when *Heraclius*, then emperor of the East, made use of them against the Persians, and formed them to military discipline, of which they appear to have been quite ignorant till then. The whole country is by both ancients and moderns divided into, 1. *Arabia Deserta*, or *Desert*. 2. *Arabia Petraea*, or *Stony*. 3. *Arabia Felix*, or *Happy*. Joined together, they make the largest peninsula in the known world, and under some of the hottest climates of it; part being under the torrid zone, and the tropic of Cancer passing over *Arabia Felix*. The air on the northern part is vastly hot during the six summer months, the sky being seldom overcast with clouds; but on the southern it is much more temperate, being qualified with refreshing dews, which fall almost every night in great abundance. The very names of the three *Arabias*, as lying between the second and fifth climates, sufficiently declare the nature of their soil; the northern being extremely barren, and incumbered with high formidable rocks, the other overspread with vast mountains of sand; but the southern, deservedly stiled the *Happy*, is blessed with an excellent soil, and is extraordinary fertile in many places. Yet, upon the whole, the country is but poorly watered, having very few fountains, springs, or rivers, and these small and shallow, and very little rain, or any other moistening to the land than the dews just mentioned: and, though a little is sufficient to satisfy nature, yet the far greater part of the country does not yield enough for its support; the best of it is found about the sea-coasts, and along the banks of rivers, which are consequently better inhabited; but here even they are obliged to hold most of their markets in the night, by reason of the excessive heat of the day.

The product of *Arabia* is aloes, cassia, spikenard, frankincense, myrrh, manna, and other valuable gums; cinnamon, pepper, cardamum, dates, oranges, lemons, pomegranates, figs, and other fruits; honey and wax in plenty; and in their seas they have great quantities of the best coral and pearls. Among other domestic animals in this country, the camels, which it breeds in great numbers, are of singular use for carriage, especially for the caravans, and seem purposely created by divine providence for this dry and sultry soil, which affords no water in many days travelling. This creature is so formed and supplied by nature, that it can through up the liquids of its stomach into its throat, so that during three days it requires no water, and can even subsist a whole fortnight without any. The camels usually carry six hundred weight upon their backs, which need never be taken off during the whole journey; for they naturally kneel down to rest, and in due time rise with their load. Here are also horses, and very fleet, but small and ill shaped, used mostly by those *Arabs* who live upon spoil and robbery.

The *Arabs* in general are of a swarthy complexion, mean stature, raw-boned, and very swift of foot; their voices are effeminate as well as their temper; they have no settled habitations, except those that live on the sea-coasts, but rove from place to place, sleeping under tents, which they pitch at night, wherever their convenience or fancy leads them. *Ammianus Marcellinus*, a judicious Roman author, gives us the following character of them. "They are a people whom we are neither to wish for our friends nor our enemies; a martial people half naked, clad as far as the groin with painted caffocks, ranging up and down on camels and swift horses, as well in peace as in troublesome times. They are neither used to plough, plant, nor till the ground, but wander from place to place, without either house or home, or any constant habitation. They neither are governed by any laws, nor can brook any restraint. They cannot even endure to be long confined to the same soil and climate; their manner of living being always fleeting, like ravenous kites, who snatch up their prey in their flight, but never tarry if it requires any time to carry it off. Their food is commonly such venison and fowls as they catch, or milk, or such herbs as fall in their way, knowing nothing either of corn, or wine. Their wives they only hire for a time; who, though for a shew of matrimony, they present their husbands with a spear and tent, yet can easily part with them when they please. Both sexes are excessively addicted to lust; the women as roving as the men, married in one place, and brought-to-bed in another, leave their children where they fall, without any farther care of them." This character exactly tallies with their present, as may appear from the relations of those travellers who have had an occasion to visit this country, or the misfortune to fall into their hands. All are unanimous in representing them as a rude and rapacious crew, strolling about in droves, constantly watching after their prey, catching at all that comes within their reach, fly and silent, falling upon you before you are aware, and fleeing before you can think of pursuing; sparing neither life nor any thing that falls in their way, but plundering whole countries and caravans, and murdering all that make head to resist.

The Turks, however, who have subdued the greater part of them, exert frequently their utmost to keep them in awe. But though *Arabia* is reckoned under their government, it may notwithstanding be more properly said to be under their protection than dependence. The cherif of Mecca, reputed a descendant of Mohammed, is still possessed of very large dominions; and a number of other *Arabian* princes hold themselves independant. Those in *Arabia Felix* are indeed kept under some restraint by the Turkish galleys on the Red-Sea, but the rest are left to range on the mountainous parts; some in the deserts of Lybia and Thebais, others in the frontiers of Idumæa, Syria, and Palestine. These the Turkish bathaws do what they can to suppress, and often cut off such as fall into their hands. But multitudes still subsist there, by retiring into the mountains and deserts, where no army can come at them. Some nearer Syria are a

little more orderly, and seek a livelihood by the making of pot-ash; they are Mohammedans, of the sect of Abul-mazar. The rest, more out of reach, being supplied out of Persia with powder and fire-arms, are the most formidable and mischievous to the Turks. Those on the borders of Egypt are the poorest and most miserable, except some few to whom the Turks give lands, to defend the frontiers against the rest. The grand signior keeps generally 30,000 men in pay to defend the pilgrims that go to Mecca and Medina, and the caravans against the *Arabs*; and for the same purpose, makes very considerable presents to the cherif of Mecca, the greatest of all the *Arabian* independant princes: but notwithstanding all these precautions, they boldly assail the caravans, and it is not long since they cut off one of no less than 7000 pilgrims, who were on their return from performing their devotions at the tombs of their prophets.

Though the far greater number of the *Arabs* are in effect guilty of the immoral practices attributed to them, yet many of them shew the reverse in their conduct of life; especially such as live in towns, and apply themselves to trade and commerce, to arts and sciences, in which they generally excel. This is more particularly true with respect to the ancient *Arabs*, whose extraordinary performances in physics, astronomy, and mathematics, shew them to have been of great genius and application. They are even to this day allowed to be very ingenious, subtle, witty, generous, and great admirers of poetry and eloquence; though, on the other hand, reckoned very superstitious and vindictive. And, as to their living upon plunder, those that reckon themselves the immediate descendants of *Ishmael*, are so far from disowning, or being ashamed of it, that they repute themselves the only nation intitled to that way of living; because *Abraham*, the father of their progenitor, is recorded to have sent him away without any portion, from which they infer that he left him the whole world to range in at pleasure. We must not, however, forget that the figures we use in arithmetic are not only allowed to have been invented by them, but do actually retain their ancient form; and, if we may believe the Portuguese, who traded with them, several of their princes have fine libraries, with many Greek and Latin authors complete, of which we have only fragments.

The barrenness of the adjacent parts of *Arabia* to the neighbouring countries, may be a natural reason why it was never conquered; otherwise the spices, balm, gums, and other valuable products of *Arabia Felix*, which they are all sufficiently acquainted with, must undoubtedly have tempted some of them to have made a conquest of it. Mohammed, by broaching his new religion, laid the foundation for a new monarchy among the *Arabs*, who before had stood under their own government, divided into many kingdoms, states, and tribes; and since this memorable epoch, his religion found so many admirers, that it spread itself over the greatest part of Asia and Africa, and even over some considerable provinces of Europe; for they were his disciples who conquered and founded the four great monarchies or empires of Turkey, Persia, Morocco, and Fez, and the great Mogul, to say nothing of the several countries they hold in India, in all which Mohammedanism is universally professed.

ARABIA Deserta, the first division of *Arabia*, now called *Berri Arabistan*, and *Beriara*, is bounded according to modern geographers, on the east by Diarbec and the Persian territory of Hierack; on the west by Palestine, and *Arabia Petraea*; on the north by the river Euphrates and part of Syria; and on the south by *Arabia Felix*, from which it is divided by a long chain of mountains. This country was anciently the abode of the *Israelites*, after their passage of the Red Sea, during forty years; and was properly enough called by *Moses*, the *Wilderness of Desert*; for such it is in reality, for the greater part, being intersected almost every where by high barren mountains, and many of its plains being nothing but great sands and heaths, through which travellers must not only carry provisions, but steer by the stars and mariner's compass. *Guiland Melchior*, who had gone through some of them, tells us, that there are neither men, beasts, birds, or trees, grafs or pasture to be seen, nor any thing

but vast rolling sands and craggy mountains. The lands, however, that lie to the east along the river Euphrates, afford both plants and food for the inhabitants of some cities and towns seated on that part; and there are some plains and vallies that feed great numbers of sheep, goats, and other cattle, which love to browse upon such dry lands; but larger cattle, except camels, can find here no subsistence.

The method of the inhabitants of the *Desert*, is to seek after fresh pastures near rivers, lakes, or other places where they can find water for themselves and cattle; and when they have cleared that ground to look out for another. They are often forced to shift their places sooner than they otherwise would, because their living upon plunder makes them afraid of being surprized in their abode, if they should tarry too long in it. They entertain so high an opinion of their descent, that they think it beneath them to follow any mechanic employment, or even to cultivate the land; so that their whole exercise is getting on horseback, and feeding of flocks. They acknowledge no other government than that of their own *emirs* or princes; and seldom, if ever, have any commerce, much less alliance, with the Turks and Moors, whom they look upon as bastards, and the usurpers of their inheritance. Their *emirs* have each of them a certain number of *cheikhs* under them, according to the extent of their dominions. The word *cheikh* signifies an *elder*, and is equally applied to governors and men of learning; but the former are lords over a certain number of families, out of which they choose the soldiery they require, both for their plundering expeditions, and to guard their respective camps. In other cases they value themselves much for their fidelity and hospitality to strangers, and especially to those who put themselves under their protection.

The *Arabs*, in general, use no other weapons but the spear, sword, and iron club, and sometimes a hatchet. As for muskets, pistols, much less cannon, they never use them in their warlike, or rather pilfering expeditions, except those on the frontiers of Persia, who are sometimes supplied with small fire-arms to annoy the Turks. The Turks themselves never let them have any, it being death for any of the sultan's subjects to furnish them with any kind of arms or ammunition. The *Arabs* of the *Desert* are so little used to gunpowder, that the very noise and smoke of it throw them into a panic; but they are very expert marksmen with their darts and spears, and are generally well-mounted, and their horses are very swift. It is commonly with the best of these horses that their *emirs* present the Porte, which is all the tribute they pay to it.

Some of these *Arabs*, by the name of *Bedsui*, have spread themselves as far as Egypt, roving from place to place with their wives, children, and cattle. The children go quite naked; the women wear only a blue kind of long shift, and the men a coarse linen jacket reaching down to their knees. They all profess the Mohammedan religion; but give themselves little trouble about the disputed meanings of the Alcoran. They keep the feasts and fasts of the Turkish law with great exactness, and use the same washings and hours of prayer. On the circumcision of a child, which is not performed till old enough to remember what is done to him, they make great rejoicings, and commonly sacrifice an ox or a few sheep, the flesh of which they distribute to the poorer sort. They are reported to be very civil and humane to Christians, whom they suffer to live amongst them with all freedom, insomuch, that to see their hospitable manner of living in these communities, and to meet them in the high-way in their excursions, one would not believe them to be the same people.

They have neither laws, lawyers, nor judges amongst them; the *cheikhs* reconcile all their differences, and the *emir* is the only person to whom they appeal from their sentence. They affect an extraordinary gravity in their discourse and behaviour, and look upon the beard to be such a distinguishing gift of providence, that no greater punishment can be inflicted upon them than cutting it off. Wives shew their respect to their husbands, children to their parents, and friends to each other, by often kissing their beards. They commonly are more

careful for the genealogies of their horses than for their own, especially those of an extraordinary breed. The dropping of every colt, extraction, colour, marks, are all attested by a witness, and registered by the *cheikh*, or man of letters, of which a faithful copy is produced and authenticated when the creature comes to be sold. Some of them bear a price from 1000 to 2000 crowns.

Arabia Deserta is divided into three principalities.

1. *Anna*, whose chief cities are, Anna, on the Euphrates, the capital; Mescheid-Urfin, Sumifcabac, Thema, Anna on the Aftan, Balsora, and Tangia.

2. *Argia*, whose chief towns are Argia, the capital, Tarea, Maaden, Thaalabah, Aladi Dhath-Aliantaba.

3. *Chavabeda*, whose chief towns are, Chavabeda, Tangia, Merah, Megiarah. The principalities of Argia and Chavabeda are in all respects unknown to us, except in the *Arabian tables*; and of the first principality, only *Anna* and *Balsora* are of any note.

Anna was formerly a famed mart-town, but now not much frequented. It stands in latitude 33 deg. 57 min. east longitude, 42 deg. 10 min. on the river Euphrates, in a fruitful and pleasant soil, and has but two streets, which are divided by the river. That on the Mesopotamian side is about two miles long, but thinly peopled, and by none but tradesmen; that on the opposite side is about six miles in length, and it is there that the principal inhabitants of the city dwell. Every house has some ground belonging to it, and these grounds are loaded with noble fruit-trees, as lemons, oranges, citrons, quinces, figs, dates, pomegranates, olives, all very large, and in great plenty. Some of the flat grounds are sown with corn and other grain, which yield likewise a considerable crop. This city is the common rendezvous of all the robbers that infest the country, and from which they disperse themselves into all parts of the *Desert*. Here they meet to consult; here they hold their grand council, and deliberate where to rob next with success. It is with great difficulty that the Turkish aga, and the janissaries, who are kept here, can levy tribute imposed by the Turks on all the commodities carried through this city; which is one of the great thorough-fares for the passing of the caravans that go to and from Aleppo, Tripoli, Damascus, Bagdad, and some other parts of the Turkish empire.

Balsora, or *Bassora*, is situate in latitude 30 deg. 17 min. east longitude, 49 deg. 10 min. on the confluence of the Euphrates and Tigris into the Persian gulph. It was once famed for a market-place, still standing, to which all the *Arabian* merchants for a good way about used to resort, as to an exchange, which made trade to flourish. The prince of *Balsora* gives full liberty to all nations to come and trade to his capital, where they are so civilly used, and such good order kept, that one may go safe through the streets at all hours of the night. He is tributary to the Turk, and has his chief revenue from the exchange of money, for the horses and camels sold there; but chiefly from his palm-trees, of which he has a plantation reaching almost ninety miles in length, and none dare touch a date till they have paid him a certain custom. The horses which are bred here are in request, and sell at a vast price. The income of the prince from these articles of money, horses, camels, and dates, is so great, that he is able to lay up a very considerable sum every year, all the other charges of his tribute and government defrayed.

Balsora has been under the Turks ever since the year 1668, and like all other cities, tributary to that dominion, is governed by a *cadi*, appointed by the prince. Ships from all the maritime parts of Asia and Europe resort to it. The English and Dutch have their factories here, which are very considerable, and maintained by their East-India company to carry on their commerce with China, Japan, and other parts of India, and for dispatch of their letters from all parts into England and Holland, by way of Damascus and Aleppo, which are carried by *Arabs* for that purpose, who are very swift of foot. What still encreases the opulence of *Balsora* is, that the Persians, in their caravans or pilgrimages to Mecca, take this city in their way, and not only pay considerable duties to the government, but exchange many rich commodities. The baseness of the coin hav-

ing a greater alloy than that of other nations, and being exchanged by the merchants at a great disadvantage, is one great abuse here, which is yet winked at both by the Porte and prince, because it brings in a considerable profit.

This city, though pretty large, has nothing extraordinary in its buildings, either public or private, being built after the Turkish manner. The whole country about it lies so low, that if it was not for a stout dyke or bank, which extends all along the coast, it would be in danger of being laid under water. This bank is between three and four miles long, and built of large square stones, so well cemented together, that the water cannot affect it, though the sea runs strong, it being the very end of the Persian gulph.

ARABIA *Petræa*, the second division of *Arabia*, is the most western of all the three *Arabias*, and is now called *Das-lik Arabistan* by the Turks, and *Barraab Arabistan* by the natives, and by others *Bathalabah*; but most commonly the beglebergate of *Bofra*, so named from that capital. It is bounded on the north by Syria and Palestine; on the east by *Arabia Deserta* and part of *Arabia Felix*, which likewise bounds it on the south; and on the west by the Red-Sea and the isthmus of Suez or Egypt. Its extent from north to south is computed to be 180 miles, and from east to west 150. It includes part of ancient Idumea on the north, and some extend it a good way into the territory of Mecca on the south. The northern part, abounding with barren mountains, is thinly inhabited, and is under the Turks in the beglebergate of Cairo; but the southern is both fertile and well-peopled, and governed by its own princes, except some places along the coast. It is called *Petræa*, or *Stony*, from its rocks, though some rather derive it from *Petra*, its ancient capital, now commonly supposed to be *Horach*, or *Horac*, lying on the isthmus near the frontiers of Egypt. Though in most respects it much resembles *Arabia Deserta* for its stony, sandy, and barren grounds, yet it yields in some parts sufficient nourishment for cattle, whose milk, and camels flesh, is the chief food of its inhabitants. There are some other parts which are quite uninhabited and impassible.

The chief places of *Arabia Petræa* are *Bofra*, *Tabuc*, *Acra*, *Horac*, *Sur*, *Madian*, *Rephaim*, *Kadesh Barneah*, the mountains *Horeb* and *Sinai*, the wilderness of *Pihahiroth*, *Elim*, and some others mentioned in Scripture.

Bofra, the capital, seated in the midland, on the back of Palestine, on the other side Jordan, and about 150 miles from the lake, or sea of Galilee, has neither buildings nor any thing worth mentioning in it. *Horac*, built near or upon the ruins of the ancient *Petra*, is now but a small place; but formerly was a very strong fortress, situate on a rock. It made a long and stout resistance against the Romans, and was for its impregnable strength, used by the foldans of Egypt for the repository of all their riches. All the other just-mentioned places are of no consideration, except *Sur*, now called *El Torre* and *Tor*, which has a good harbour, with some trade, and about 400 houses, inhabited by some Christian merchants, Jews, and Moors. Goods are here unladen to be carried by land to Suez, on the isthmus, 120 miles north-west at the end of the west gulph, which is not navigable for large vessels any farther than this town, by reason of the rocks. Near *Tor* is the garden which Moses is said to call *Elim*. It is planted with palm-trees, and some Greek monks, who have a monastery here, make some tolerable profit of the dates, which are the best in the country. Near the castle of *Tor* the Israelites are generally supposed to have crossed the Red-Sea. In the way from *Tor* to mount *Sinai*, the vallies abound with Cassia-trees, which produce the frankincense; and among other trees that grow on these mountains, there is a sort which bears a kind of wool like cotton, though neither so fine nor white.

The desert of *Sinai* exceeds all the rest of the country in height, and is encompassed with hills and high rocks for ten or twelve miles. However, the road or ascent to it is easy, having been cut into the solid rock, like stairs, quite to the top, by order of the empress *Helena*; but most passengers choose to go it on foot, being uneasy to the camels. It is called by the *Arabs* *Gibel Mouja*, or *Moses's*

Mountain; and at the foot of the ascent is a well-built convent. The monks pretend to shew the very place where Moses fasted forty days, and received the two tables of stone. Towards the north side of the plain lie the mountains *Horeb* and *Sinai*; the latter is the higher, and is called *St. Catherine*. Both are very steep and high, but not proportionably broad, and though a road is all the way cut up to them, yet the ascent is very difficult.

At the foot of *Mount Horeb* is a Greek monastery, called *St. Saviour's*, where pilgrims lodge. It stands at the end of a large green plain, where it is said Moses kept Jethro's flocks, and saw the burning bush. The building is large, but irregular, and consists of several courts; but the church is a noble edifice of fine workmanship, both within and without. The pavement is of marble, curiously laid in form of roses, and the ornaments, plate, altars, and other utensils, are very rich and exquisitely fine. The monastery is well supplied with water from a spring that descends from *Mount Horeb*. On the top of the mountain, and all about, there is a considerable number of cells and chapels, the former abode of many monks and hermits; but they are now mostly empty, the religious people having been driven away by the *Arabs*; and the steps, of which there were 14,000, that now lead to the mount, are in many places broken and shattered, though in others still very good and of easy ascent. On *Mount Horeb* is likewise shewn the very place where the Israelites worshipped the golden calf.

At a considerable distance on the same plain, and near another monastery, called the convent of the forty martyrs, stands the rock which Moses smote with his rod, and brought forth from it a miraculous supply of water. It has a great many holes at which the water flowed out on both sides. There are no other rocks nor stones near it. The tops of those mountains command a noble prospect to the Red-Sea, and all the adjacent country. Several other places are here shewn, which are not so easily credited by those who are acquainted with the Scriptures; as the place where *Corah*, *Dathan*, &c. were swallowed up; the stone on which the brazen serpent was erected; the hillocks where the idolaters were buried by Moses's order; the two hollow stones in which Aaron cast the golden calf, &c. for *Corah* and his rebellious crew perished near *Mount Hormah*, and not in *Horeb*; the brazen serpent was set up at *Mount Hor*, and the rock out of which Moses fetched the water, is said to have been in the wilderness of *Zin*, all of them far enough from *Sinai* and *Horeb*. To these might be added the city of *Midian* or *Madian*, where Jethro, Moses's father-in-law, dwelt, and where he staid with him forty years; *Rephidim*, the place where the Amalekites fell foul upon the rear of Israel at their first coming out of Egypt; *Kadesh Barneah*, the station of the Israelites, whence Moses sent the spies to examine the promised land, and several others, all in this province; but whose true situation it is impossible to know with any tolerable certainty. As for the mountains of *Sinai* and *Horeb*, they stand in latitude 28 deg. and 29 min. and east longitude 34 deg. on the southern verge of this province, near the northern coasts of the Red-Sea.

ARABIA *Felix*, the third division of *Arabia*, by far the largest and most considerable of the three *Arabias*, is called by the inhabitants *Yeman*, *Yaman*, and *Hyaman*, from one of the largest districts in it, which has given name to all the rest. It has had the title of *Felix*, or *Happy*, from its extraordinary fertility, and constant verdure; but was anciently called *Saba*, *Sabea*, and *Seba*, by the sacred writers, by Josephus, and St. Jerom, from *Seba* the son of *Cush*, the grandson of *Ham*, who was properly the founder of a city of the same name, anciently celebrated for its opulence, and more particularly for its plenty of gold and silver. This *Arabia* is situate on the south of *Petræa* and *Deserta*, and surrounded on all the other three sides by the sea, as by the Red-Sea on the west, the gulph of Persia and *Ormuz* on the east, and the ocean, or Arabian sea, on the South. The ancients were not content to give it the title of *Happy*, but added that of *Sacred* to it, on account of its fine aromatic gums and fragrant woods, which were used in sacrifices, such as frankincense, myrrh, aloes, nard, cinnamon, cassia, cedar, and other

other odoriferous woods, which are in such plenty that the natives use them for common fuel. And, indeed, if we were to judge of this *Arabia* by what the ancients have launched out in its praise, we should imagine it the richest and most delightful land in the whole world. It was reckoned the most populous province in all Asia, and was in such esteem among the Romans, even so late as *Ammianus Marcellinus's* time, that he gives this delicious character of, or rather panegyric upon it. "The *Happy Arabians* are so called, because abounding in corn, cattle, vines, and odoriferous spices of all kinds. They are well furnished with roads and quiet harbours for fishing, with trading towns standing very thick. Besides most wholesome springs of medicinal waters, they enjoy the benefit of many brooks and rivers very clear and pure, and a temperature of air exceeding healthful." If we were to judge of this character by the last part of it, what this author says must go for nothing; for the air and climate cannot be different from what they were in his time; and how he can extol the temperature of a country which lies two parts in three within the tropics, cannot be well conceived. What he says of trading towns and commodious havens might indeed be true then, but is since quite altered. The Red-Sea was very much frequented by merchant-ships, before the Cape of Good Hope, and the passage by it to the Indies, was found out; and *Arabia* was the market where all the commodities brought from India, China, and all the eastern islands, were sold to the merchants of Egypt and Barbary, and brought by them over land to Cairo and other ports in the Mediterranean, whither the English, Italians, and other European nations, came to take them off their hands: but now the goods from India and Persia are brought to us directly by sea, the commodities of *Arabia* are become less useful, and our commerce with it consequently is considerably decreased. However, if the accounts of the ancients concerning this *Arabia* were really true, and not taken upon trust, they sufficiently shew how surprisingly it must have been altered since they wrote; for at this time, nothing like that so much exaggerated fecundity, much less that great number of cities and inhabitants appears, except in some few spots here and there, which bear but a very small proportion with the rest; the midland being either sandy or mountainous, and consequently all dry and barren: so that the sea-coasts and the lands along the banks of rivers, are the only places that deserve the name of *fertile* or *happy*. But it may well enough deserve those titles by its fine spices and odoriferous plants, more especially for its frankincense, which is peculiar to it. To this we may add the coffee-trees, but which are found only in three or four districts of the province of *Yemen*, properly so called, and grow in the mountainous part of it. It likewise produces abundance of other exquisite fruits, is watered with fine springs, refreshed with agreeable breezes, and enjoys a constant verdure all the year round; but even in this noble province some parts of it are almost as barren as the *Petraea*, or *Deserta*, and produce nothing for thirty or forty miles together, especially where it runs contiguous to the Red-Sea.

Arabia Felix is commodiously divided into the following maritime and inland districts.

On the sea-coasts are, 1. The kingdom or principality of *Mecca*, whose chief towns are *Mecca*, *Medina*, *Egra* or *Hagiar*, *Giedda*, *Yambo*, and *Zebith*. 2. The maritime *Tebamah* al *Dhafar*, in which are the cities *Dhafar*, *Tazu*, *Adiud*, and *Traza*. 3. The principality of *Zebith*, *Zebeth*, *Zaba* or *Saba*, with the towns of *Zebeth*, *Gilan*, and *Chalafea*. 4. The kingdom of *Mocha*, or *Aden*, with the towns of *Mocha*, *Aden*, and *Laghi*. 5. The kingdom of *Xael*, or *Hadrarnut*, in which are the towns of *Xael* and *Dolfar*. 6. The kingdom of *Seger* or *Alibani*, and *Guehelhamen*. 7. The principality of *Yemen*, with the towns of *Calhat* at *Quelhat*, and *Mafcate*. 8. *Vodane*, with the towns of *Soher* and *Boricen*. 9. *Mascat*, with the city of its name, *Nuban*, and *Suchula*. 10. *Barbaim*, with the towns of *Elcatif*, *Labfah* or *Laffack*, *Abfa*, and *Bisfa*.

In the inland are the principalities or kingdoms of, 1. *Jemaman*, with the capital of its name, *Chadoia*, and *Tima*. 2. *Higiaz* or *Hagiaz*, with the towns of *Casailo*,

Bain, *Nabel*, *Carn*, and *Almanfel*. 3. *Thabama*, with the towns of *Zaana* and *Saada*. 4. *Fartach*, with the capital of its name, *Marhi*, and *Negram*. 5. *Oman*, with the towns of *Ziriffdin*, and *Marair*. To these we may add *Ormus*, formerly a considerable *Arabian* kingdom, which though denominated so only from a small rocky island of a few miles extent, yet had some large territories on the *terra firma*; but the Persians having conquered them in 1622, the kingdom was wholly destroyed, and the island is now become quite inconsiderable. The English assisted the Persians in the reduction of *Ormus*, and dispossessed the Portuguese, who held it for near one hundred years, and grew so wealthy in it, that they had built them most magnificent houses, inasmuch that the city of *Ormus* was esteemed in their time one of the finest in Asia.

The most celebrated places of *Arabia Felix*, are *Mecca* and *Medina*, and particularly on account of the pilgrimages of the Mohammedans to them. A caravan goes every year from *Damascus*, or *Aleppo*, to the tomb of Mohammed, and generally sets forward in July, about which time shoals of pilgrims arrive from Persia, the Mogul's territories, Tartary, and from all other countries, where Mohammedanism is professed.

Some days before the caravan sets out, the pilgrims make a general procession, called the procession of Mohammed, in order, as they say, to obtain a happy journey, through the prophet's intercession. Those most distinguished by birth or riches appear in the finest habits, mounted on horses sumptuously caparisoned, and followed by slaves, with led horses, and camels covered with costly ornaments. The pilgrims, called the issue of the race of Mohammed, begin the march, clothed in long robes, with green bonnets on their heads: they walk four in a rank, and are followed by several musicians, after whom come the camels, with two kettle-drums in their front, and many trumpets, the noise of which inspires these creatures with a kind of fierce air. Next to these come on horseback the other pilgrims, six in rank, followed by carriages full of children, whom their parents intend to present to the prophet. These are surrounded with crowds of singers, who at the same time use a thousand extravagant gestures. Then succeed two hundred cavaliers, clothed in bears skins. They have the management of small pieces of cannon, mounted on their carriages, which they discharge every hour. These cannon are escorted by another company, who wear tigers skins, in the form of cuirasses. Their long moustaches, Tartar bonnets, and huge scymitars, give them a very warlike appearance. Before the mufti walk four hundred men, clothed in green, with yellow mitres on their heads. He himself is accompanied by the doctors of the law, and a number of singers. Mohammed's standard is carried immediately behind him, made of green satin, embroidered with gold. It is guarded by twelve horsemen, in coats of mail, with silver maces in their hands, accompanied with trumpets, and men who strike continually in concert on plates of silver. Next follows the pavilion to be presented before the tomb of Mohammed, borne by three camels adorned with green feathers and plates of silver. It is of crimson velvet, embroidered with gold, and set with jewels of all colours. Lastly, the *basha* of Jerusalem, preceded by drums, trumpets, and other instruments, brings up the rear.

The procession being ended, every pilgrim thinks of nothing but his departure for *Mecca*, to which indeed all Mohammedans are under a strict obligation to make a pilgrimage, either in person or by proxy, once at least in their life. In their progress they pray frequently every day, always with their faces turned to that city, on which they bestow the epithets of *magnificent*, the *mother of cities*, and the *house of God*.

Mecca is situate in latitude 21 deg. 58 min. east longitude 40 deg. 30 min. about forty-two miles east from the Red-Sea, on the river *Eda*; but in such a barren territory, that it affords no kind of sustenance, either to man or beast. The greatest supply the inhabitants have of necessaries, is from the pilgrims and caravans they come with. No Christian is allowed to come nearer it than five miles, and the punishment for so doing, is to be burnt alive. They are also extremely careful concern-

ing those they let into it, for fear of having the place surprized or prophaned, or the treasure rifled, which is said to amount to an immense value. The grand mosque is in the middle of the city, and is the largest, finest built, and best frequented of any in the world. Its roof, high and bold, rises in a stately cupola, with two lofty towers at the end, all which are seen a great way off, and yield a noble prospect, being also finely carved, and the cupola covered with gold. It is said to have a hundred gates, with as many windows, one over each gate; but the ground of the building being low, there is a descent to it by ten or twelve steps. They pretend it is situated on the very spot on which Abraham built his first dwelling-house, and where Mohammed was born. This house of Abraham, which they call *Kiaba*, or small square house, is fifteen feet long, twelve broad, and about thirty high. It is girt round with two belts of gold, one near the bottom and the other near the top; the door is of silver, and a golden spout carries off the water which lies on the roof; and the walls are constantly covered with hangings of fine silk and rich workmanship, and the court that incloses it, is surrounded with stately walls, beautified with columns and arches. The house itself is reckoned a place of the greatest devotion, and is never opened but on their feast called *Ramadan*, and some other solemn festivals. Near the door is a black stone of the bigness of a man's head, which is pretended to have been brought from heaven by an angel to Abraham, and to have turned black for the sins of mankind: the first man that can kiss it on a certain day is esteemed a saint, but commonly pays dear for his faintship, the people crowding so fast about him to kiss his feet, that he is often stifled by the throng. In the same inclosure is a kind of chapel, built about a well much celebrated throughout the East. They say that the water of that well flows from a spring which God discovered to Agar and Ishmael, when being expelled by Abraham his house, they were forced to retire into *Arabia*. Mohammed availed himself of this well to render the city of his nativity respected by all his followers. He declared, that the water had the virtue, not only of curing all bodily diseases, but also of purifying souls stained with the blackest crimes.

The pilgrims that come hither are obliged to perform many ridiculous ceremonies; the chief of which are, to strip themselves naked at a place called *Rabbak*, two days before they enter the city, having only a napkin tied about their necks, and another about their middle: in this state of nudity they continue eight days, during which, they neither shave, buy, sell, or kill any thing, nor are allowed to speak harshly to their servants or slaves, on pain of giving some money to the poor, or sheep for sacrifice. When they are admitted into the city, they go seven times round the temple; the three first times with a very quick pace, to shew their readiness to fight for the true worship, as they fancy, of God. They accompany their prayers with antic postures, in imitation of a priest that goes before them, and is their chief posture-master. They next sacrifice some sheep, the greatest part of whose flesh is given to the poor, and then go to the valley of *Mina*, where they shave and pair their nails. From thence they go to *Mount Arafat*, a short day's journey from *Mina*, every man carrying forty-two stones to throw at the *devil's head*, who, they say, tempted Abraham there, when he was going to sacrifice his son, not Isaac, but Ishmael. On the tenth day, the most solemn of all, the priests preach to them from this mount, after which they go down into the valley, where they sacrifice a prodigious number of sheep, mostly given to the poor. On the twelfth day, the *che-riff* having sent them his blessing, they are at liberty to depart.

The concourse of pilgrims on these festivals to this city is such, some making their number amount commonly to 200,000, that the wealth of it encreases daily. The temple being entered only four times a year, the people from all parts have sufficient notice of it, and time to join the caravans. They commonly offer some considerable presents, and buy up some of the reliques of the place at a dear rate. Those reliques are for the most part the old coverings of the *Kiaba*, which are yearly presented to it by the grand signior on the feast of *Beyram*,

or Turkish Easter: at which time the old ones are taken off, and being cut into small pieces, are either made presents of, or sold to the pilgrims. People of quality may, for the sum of an hundred shequins, have the doors of the holy place opened to them at any time, which they choose to do, to avoid the vast crowds that flock thither on the four seasons. Besides this religious traffic, a great fair is kept during the solemnity, in which the richest merchandizes are exposed to sale. The vaults of the mosques, and the shops round them, are filled with prodigious quantities of most sorts of commodities, particularly with precious stones, and scented and other aromatic powders; even the caves in the adjacent mountains are turned into shops.

This is but a sketch of the transactions of this superstitious pilgrimage, in which *Thevenot* assures us upwards of six thousand of one single caravan have died by hot winds, and other difficulties, between Cairo and Mecca, when he was there. He adds, that the effects of all that die fall to the *hamirag*, who is the person they choose for their leader; so that these poor people are cheated out of their lives and substance, to enrich the priests and officers who conduct them.

It is a vulgar error, that Mohammed was the original author of those pilgrimages to this city. The *Arabs*, from time immemorial, used to frequent it in the same manner; and, out of veneration for this place, which they held to have been the house of their progenitor, made it the center of their religion. According to the doctrine of the Mohammedans, Adam being yet in Paradise, which they place in one of the heavens above us, worshipped God in a temple raised by the angels; but, upon his expulsion, having prayed to God to grant him such another upon earth, he obtained a model of it, drawn upon some curtains of light, and the building was placed just where the *kiaba*, or holy house, now stands, that is, perpendicularly under that which the angels resorted to in heaven. Here the faithful paid their worship till the flood; but it being then destroyed by the waters, Abraham was at length directed by God to build another, which became the place of worship for Ishmael and his descendants, till having quite polluted it by their idolatry, Mohammed was ordered to purify it, by consecrating it anew to the worship of the true God. All which fables, together with its being given out to be the very house in which himself was born, being once swallowed down by the Mussulmen, that impostor concluded rightly, it would not fail of bringing as great, if not a greater concourse of devotees to Mecca, than it had lost by the abolition of its idols.

Between the cities of Mecca and Medina, there is an extensive sandy desert, where the dry sands blown up and down by the winds often overwhelm whole caravans. To prevent this as much as possible, they are not only obliged to observe how the wind blows, to encamp on the opposite side, but likewise to steer by the mariner's compass, as at sea. The length of the caravan's journey from Mecca to Medina is about 224 miles, which are performed in about forty days.

Medina is situate in latitude 25 deg. east longitude 39 deg. 12 min. seventy-six miles from the Red-Sea, in a plain, watered with the river Larick, and covered with stately palm-trees. Mohammed's repentment against his fellow-citizens of Mecca, who were for banishing him from the place of his nativity, inspired him with a resolution of being revenged upon them. He declared, that Medina should be his city, and the seat of empire for him and his successors; whence, by way of excellency, it is so called by the *Arabs*, *Medina* signifying a city in general; and it is sometimes stiled *Medina al Nabi*, or, the city of the prophet. Mohammed also ordered, that his sepulchre should be built here; and accordingly, his coffin rests in the great mosque, a structure of vast magnificence, supported by four hundred stately columns, and illuminated by three hundred fine lamps, which hang on them, and are kept continually burning. It has a small cupola covered with plates of silver, and the floor covered with cloth of gold. It stands almost in the center of the city, and is the most resorted to in the whole world, except that of Mecca. Mohammed's coffin lies under the cupola, and the tomb is exposed to view from the middle

to the top of the dome, round about which is a little wall pierced with windows, which are fenced with silver grates. The inside is enriched with stones of immense value, of great size and beauty, especially on that part of the cupola which is over the head of the prophet, and where there is a diamond, one inch thick, and two long, presented by sultan Osman, the son of Achmet. At the feet of the coffin is a rich golden crescent, so curiously wrought, and adorned with such precious stones, that it is esteemed a master-piece, and of very great value. The coffin is kept covered under a rich pall of gold and silver tissue, and under a canopy of the same precious cloth, both which are annually sent hither by the basha of Egypt, by order of the grand signior, and with the greatest magnificence. It is commonly carried upon and displayed over the back of some stately camel, in company with the rest of the caravan; and when the precious gift is taken off, the beast is no longer to be used in servile drudgery. When laid upon the coffin, the old one is cut into innumerable threads, and either fold or given away, as one of the most valuable presents. The place where the coffin lies, is supported by black marble pillars, and encompassed with a balustrade of silver, hung with such a number of burning lamps, that the smoke darkens the place. The cupola, which is hung with red and white damask, has the epitome of the Mussulman faith embroidered on it in golden Arabic characters, *God is God, and Mohammed is his prophet*. The crowd of pilgrims is so great at the time of their resorting to this mosque, that they can only see the outside of the dome, and some of the treasures that glitter within through the silver grates, as the large diamond and crescent, which are indeed the most valuable curiosities of all; but those who make any long abode in the city, may take a convenient time when there is no crowd, and for a certain sum see every particular of the inside at leisure. All true Mussulmen are bound by their religion to visit this tomb at least once in their life; and after performing that ceremony, they are looked upon as saints ever after. The rich and great, whose ambition lies another way, are dispensed with for a considerable sum, and by sending some other person in their stead. Christians of all denominations are forbid to come within fifteen miles of this city, under pain of being burnt alive, as at Mecca.

As soon as the caravan, which brings the presents from the grand signior, arrives, the dervises, who have the care of the mosque, appear to receive it. Then the pilgrims, in conjunction with those that came in other caravans, make the whole edifice resound with their shouts of joy, and songs in honour of their prophet; after which, there is nothing but feasting and open rejoicing, till the departure of the caravans.

The day of departing, the pilgrims assemble again, and set out, singing some verses of the Alcoran with a loud voice. Every one thinks it an honour to supply them with provisions for the whole journey, and they are sure upon their return to meet the congratulations of all the towns from whence they set out. They are honoured every where, and from that time they begin to enter into the possession of all the privileges which their religion grants to those who go to visit the prophet's tomb. Their pilgrimage screens them from all pursuits on former delinquencies, and, if criminals, renders them perfectly guiltless. The camels also, as above hinted, which have had the honour to bear the presents to Mecca and Medina, are not to be treated afterwards like common animals; they are considered as consecrated to Mohammed, which exempts them from all labour and service. They have cottages built for their abodes, where they live at ease, and are well fed and taken care of.

The most powerful Mohammedan princes pay the deepest veneration to the *cheriffs* of Mecca and Medina, considering them as of the race and successors of Mohammed: they also frequently send them offerings and valuable presents; and, among his other pompous titles, the grand signior in particular styles himself the servant of the two sacred towns of Mecca and Medina.

ARABICUM GUMMI, *gum arabic*, is a concrete gummy juice, which drops from the tree that yields the *true acacia*. It is of a bright, pale yellow, or yellow colour, brittle, without any smell or taste, some-

what wrinkled on the outside, and shining within like glass. It grows soft in the mouth, sticks to the teeth, and readily dissolves in water, but not in spirit of wine, or in oils. In the fire it burns to a coal, but does not flame. The best sort of this gum is dry, transparent, of a white or pale yellow colour, and free from dirt. The true *gum arabic* is rarely to be met with in the shops: *gum senega*, which is brought from the coasts of Guinea, is usually sold for it. This greatly resembles the other; and probably, as *Dale* conjectures, exudes from a tree of the same kind: it is generally in large pieces, rough on the outside, and in these circumstances possibly consists the only difference between the two; although the former is held to be the purer and finer gum, and therefore chose for medicine; and the latter the strongest, most substantial, and cheapest, and consequently more employed in certain trades and businesses.

The *gum* heats and moistens, inspissates, stops the pores of the skin, and blunts the acrimony of medicines. From its soft, glutinous quality, it is serviceable against coughs, hoarseness, and disorders of the *aspera arteria*; is a good ingredient in applications to the eyes and arteries, and is of great efficacy in the *dysuria*, or heat of urine, and the *diabetes*.

ARAC. See ARRAC.

ARACAN. This kingdom, with that of *Pegu*, which follow that of *Bengal*, and whereof the latter's coast joins those of *Malacca*, are better known in India by the piratical courses of the one, and the lasting wars of the other with the king of *Siam* for the famous white elephant, than for the largeness of their commerce with the Europeans: the English and Dutch, however, preserve some correspondence with *Aracan*, on account of the refreshments which their ships are sometimes obliged to take there, yet without having any settlements, although the king has often invited those two nations to an establishment in his country.

In respect to the kingdom of *Pegu*, the Dutch send some ships here yearly from their settlements on the coast of Coromandel and Bengal, laden with linens of this last kingdom, from Masulipatnam and Meliapour, better known under the name of St. Thomas. The proper linens for this commerce are Lagias, or Alegias, Topites, and Corpi Pintadi; the Peguans preferring the linens of Meliapour to all others, and it is with these that they clothe themselves, without the tailor's assistance, each piece making a complete habit, in turning it many times, and in many manners, about their body; the women cut them in four, and cover themselves to their knees. There is also brought thence opium, pepper, cinnamon, nutmegs, sanders, and wood of Paradise.

The exports from hence are ginger, gold, silver, precious stones, and pearls, which two last are contraband; and there must be a permission from the king, for either buying or selling. This kingdom also produces a quantity of rice, and it is from hence that the Dutch carry it to Malacca; besides which, the exports are elephants teeth, pewter, honey, wax, cardamoms, long pepper, cashew, &c.

ARACI, a fine town seated on the Aar in *Switzerland*, has some manufactures of worsted, fatins, and camblets, knit stockings, cotton handkerchiefs, cutlery ware, and horn combs. Hides and skins are also prepared here for various uses; and its neighbourhood furnishes a quantity of hempen and cotton-cloth.

ARAINS, striped or checked armorines or taffeties, which come from the Indies.

ARANEA, a silver ore found only in the mines of Potosi, or in the single mine there of Catamito. It owes its name to some resemblance it bears to a *cobweb* (a spider being called *aranea* in Latin) being composed of threads of pure silver, which to the sight appear like a silver lace, when burned to separate the silk from it. It is the richest of all kinds of silver ore.

ARARES, a name given by the Indians to that kind of fruit, which is called, in Europe, *citrine mirobolans*. This sort of mirobolans is thought proper to purge the gall.

ARATE, a weight in Portugal. See AROBE.

ARBITRAMENT and ARBITRATION, is the sentence or determination, pronounced by *arbitrators*, and published

ished when they have heard all parties. And this is either general of all actions, demands, quarrels, &c. or special, of some certain matters in controversy; it may be also absolute or conditional.

To every *arbitrament*, five things are incident, viz. First, *matter of controversy*. Secondly, *submission*. Thirdly, *parties to the submission*. Fourthly, *arbitrators*. And, fifthly, *giving up the arbitrament*.

Arbitrators cannot refer *arbitraments* to others, if the submission be not so; but an *arbitrament* that one shall re-lease to another, by advice of a certain person, this is good, because it is a reference only for the execution of it.

Submission to *arbitraments* are usually by bond, and the parties who bind themselves, are obliged to take notice of the *award*, at their peril; but things relating to a freehold, debts due on bond, or on certain contract, criminal offences, &c. are not *arbitrable*.

For ending suits by *arbitrament*, the following act is the only one made in any late reign, viz.

After the 11th of May, 1698, all merchants, and traders, and others, desiring to end any controversy, suit, or quarrel, (for which there is no other remedy, but by personal action or suit in equity) by *arbitrament*, may agree, that their submission of the suit to the *award*, or *umpirage* of any person or persons, shall be made a rule of any of his majesty's courts of record, which the parties shall choose, and may insert such their agreement in their submission, or the condition of the bond of promise; and upon producing an affidavit of such agreement, and upon reading and filing such affidavit in the court so chosen, the same may be entered of record in such court, and a rule of court shall be thereupon made that the parties shall submit to, and finally be concluded by such *arbitration* or *umpirage*: and in case of disobedience thereto, the party neglecting or refusing, shall be subject to all the penalties of contemning a rule of court, and process shall issue accordingly, which shall not be stopped or delayed by any order, &c. of any other court, either of law or of equity, unless it appear on oath, that the *arbitrators* or *umpires* misbehaved themselves, and that such *award* was corruptly or unduly procured.

Any *arbitration* or *umpirage*, procured by corruption or undue means, shall be void, and set aside by any court of law or equity, so as such corruption or undue practice be complained of, in the court where the rule is made for such *arbitration*, before the last day of the next term, after such *arbitration* made and published to the parties.

Form of an arbitration bond.

Know all men by these presents, that I A. B. of the parish, &c. in the county, &c. merchant, am field and firmly obliged to C. D. of &c. in the county aforesaid, £sq; in pounds, of good and lawful money of Great-Britain, to be paid to the said C. D. or his certain attorney, his executors, administrators, or assigns, to which payment, well and truly to be made, I oblige myself, my heirs, executors, and administrators, firmly by these presents, sealed with my seal, dated at on the day of in the sixth year of the reign of our sovereign lord king George III. and in the year of our Lord God, one thousand seven hundred and sixty-six.

The condition of this obligation is such, that if the above bound A. B. his heirs, executors, and administrators, for his and their parts and behalfs, do in all things well and truly stand to, obey, abide by, perform, fulfil, and keep the award, order, arbitrament, final end and determination of E. F. and G. H. arbitrators, indifferently named, elected, and chosen, as well on the part and behalf of the above bounden A. B. as of the above-named C. D. to arbitrate, award, order, judge, and determine of, and concerning all, and all manner of action and actions, cause and causes of actions, suits, bills, bonds, specialties, judgments, executions, extents, quarrels, controversies, trespasses, damages, and demand whatsoever, at any time or times, heretofore had, made, moved, brought, commenced, sued, prosecuted, done, suffered, committed, or depending, by or between the said parties, so as the said award be made, and given up in writing, under their hands and seals, ready to be delivered to the said parties, on or before the next ensuing the date above-mentioned: but if the said arbitrators do not make such their award of, and concerning the premises, by the

time aforesaid, that then if the said A. B. his heirs, executors, and administrators, for his and their part and behalf, do in all things well, and truly stand to, obey, abide by, perform, fulfil, and keep the award, order, arbitrament, umpirage, final end, and determination of J. K. umpire, indifferently chosen between the said parties, of, and concerning the premises, and deliver the same in writing, under his hand and seal, to the said parties, on or before the next ensuing the date aforesaid, then this obligation to be void, or otherwise to be, and remain in full force and virtue.

Signed, sealed, and delivered

in the presence of

L. M.

N. O.

A. B.

Note. If there is no umpire, the latter part must be omitted, viz. from, "but if the said arbitrators, &c." Though it is now customary to choose three arbitrators, and have them nominated in the bonds.

The aforesaid bond must be mutual between the parties, and the following clause may be added at the end of the condition, as the agreement mentioned in the preceding act of parliament, viz.

And the above-mentioned A. B. doth agree and desire, that this his submission to the award above-mentioned, be made a rule of his majesty's court of King's-Bench, (or any other court of record) pursuant to the act of parliament for this purpose provided, and the like for the other party submitting to such award. See ARBITRATOR and AWARD.

ARBITRATION, in exchanges, has been variously defined by the several authors who have treated of it.

One says it is a combination or conjunction made of many exchanges, to find out what place is the most advantageous to remit or draw on.

Another describes it, by saying it is only the foresight of a considerable advantage, which a merchant shall receive from a remiss or draught, made on one place preferably to another.

A third construes it to be a truck which two bankers mutually make of their bills upon different parts, at a conditional price and course of exchange.

According to a fourth, it is the negotiation of a sum in exchanges, once or oftener repeated, on which a person does not determine, till after having examined by several rules which method will turn best to account.

And though these several distinctions are couched in different terms, they seem (if rightly considered) to have the same meaning, whereof some may be counted the text on which the others serve as comments or expositions.

Arbitrations are divided by the writers on them into *simple* and *compound*, of which we shall succinctly give some examples, and endeavour, as plainly as we can, to illustrate such rules for their operation as may render them easy, both to the operation and performance; our predecessors having consigned us this task by their unanimously leaving the solution of their questions too much in the dark to be comprehended by most of their readers, contenting themselves with replying to the queries, without shewing their method of performing, and thereby rendering abortive their pretended design of conveying instruction; which could no otherwise be done than by a delivery of their ideas and conceptions in such a manner as might leave them open, and easy to be followed and practised.

A *simple* (or *single*) *arbitration*, is to be wrought by the direct, or inverted rule of three; and to distinguish which of these rules is to be used in working any question relative thereto, it must be observed:

1. That an *arbitration* must be cyphered by the direct rule of three, when the first term of the stating is more than the third, and that the quotient is less than the middle term. And,

2. This rule must be used when the first term is less than the third, and the quotient is more than the middle one.

And the two following remarks will shew when the indirect, or inverted rule, is to be followed.

1st. The question must be worked by the inverted rule of three, when the first term is less than the third, and the quotient less than the middle number.

2d. The

21. The operation must be by this rule, when the first term is more than the third, and the quotient more than the middle term.

And whether the *arbitrations* be simple or compound, a price of exchange must always be supposed, when a reimbursement is ordered on any other place than that from whence it is directed.

Whatever number of figures enter in a compound *arbitration* question, the first and last must be of the same species, and the rules must be commenced by the species sought for.

These maxims being well understood, and applied to the examples, will facilitate the operation of the rules of *arbitration* to those who pay any attention to them.

And as the use of some characters instead of words will considerably abbreviate the work in the solution of the subsequent examples, we have employed them to this purpose, and shall here explain them.

× signifies multiplied by, as 10×54 , is 10 multiplied by 54.

A number above a line, with another under it, signifies that the uppermost must be divided by that beneath, or the numerator by the denominator, from whence

$\frac{24 \times 67 \times 19}{15 \times 28 \times 12}$ signifies, that 24 multiplied by 67, multiplied by 19, must be divided by 15 multiplied by 28,

multiplied by 12; and $\frac{54}{234\frac{1}{2}}$ denotes, that 54 is to be divided by 234, increased by $\frac{1}{2}$.

= signifies, equal to, as $10 = 5 \times 2 = 8 \times \frac{5}{4}$.

This premised, we proceed to our proposed

First EXAMPLE.

A of Lyons orders B of Cadiz to draw upon him at 76 fols *per* dollar, provided at the same time he can remit him on London, at 42 d. sterling also *per* dollar, but as B drew at $75\frac{1}{2}$, it is demanded at what exchange he may remit on London to compleat this order; and this is answered by the direct rule of three as follows:

If 76 fols give 42 d. sterl. what shall $75\frac{1}{2}$ fols give?

$$\begin{array}{r} 42 \\ 150 \\ 300 \\ 21 \\ \hline 76)3171(41\frac{7}{8}\text{d. sterl. anf.} \\ 304 \\ \hline 131 \\ 76 \\ \hline 55 \end{array}$$

Second EXAMPLE.

A of Oporto had orders to draw on Rouen, at 490 rees *per* crown of 60 fols, provided he could at the same time remit on Leghorn at 770 rees *per* dollar; but as on receipt of the said order he could get no more for his bill than 488 rees, it is demanded at what price he ought to remit on Leghorn, to recompence the said diminution in his draughts; which is solved by the inverted rule of three, in the following manner,

If 488 rees — 770 — 490

$$\begin{array}{r} 770 \\ 34160 \\ 3416 \\ \hline 490)375760(766\frac{2}{3}\text{ or } \frac{6}{7}, \text{ the answer.} \\ 343 \\ \hline 327 \\ 294 \\ \hline 336 \\ 294 \\ \hline 42 \end{array}$$

Third EXAMPLE.

To be answered by the double rule of three.

A of Amsterdam orders his friend of Madrid to remit him upon Lyons, at 64 fols Tournois for a new dollar of 340 maravadis, and to draw upon him at 100 d. de gros *per* ducat of 375 maravadis. It is demanded at what price the exchange turns out to him between Amsterdam and Lyons.

The common way of working it.

$$\begin{array}{r} 64 \text{ fols} \text{ ————— } 340 \text{ marav.} \\ 375 \text{ marav.} \text{ ————— } 100 \text{ d.} \text{ ————— } 60 \text{ s.} \\ \hline 320 \qquad \qquad \qquad 34000 \\ 448 \qquad \qquad \qquad 60 \\ 192 \qquad \qquad \qquad \hline 2040000 \\ 24000 \text{ Divisor.} \end{array}$$

$$\text{Dividend, therefore } \frac{2040000}{24000} = \frac{2040}{24} = 85 \text{ groots.}$$

And the most compendious method by abridging the numbers we shall thus shew.

If $\left. \begin{array}{l} 64 \\ 375 \end{array} \right\}$ are equal to $\left\{ \begin{array}{l} 340 \text{ mar.} \\ 100 \text{ groots} \end{array} \right\}$ | $\left. \begin{array}{l} 16 \text{ fols} \\ 15 \text{ mar.} \end{array} \right\}$ must be equal to $\left\{ \begin{array}{l} 85 \text{ maravadis,} \\ 4 \text{ groots, then} \end{array} \right\}$
Quere, 60 fols as before. But to reduce the work lower still, it appears that you may divide a member on each side of the last equation by 4, and another on each side also by 5, therefore you will have 4 fols 17 mar.

3 mar. 1 groot, where 4 multiplied by 3 is in the same *ratio*, or proportion, to 17 × by 1 or 17, as 64×375 is to 340×100 . But as the answer was found by multiplying 60 into the last *ratio*

(or $\frac{340 \times 100}{64 \times 375}$) so it may be likewise had by multiplying the 60 into the foregoing *ratio*, viz. $\frac{17}{2}$, whence we

have the work brought into this small compass $\frac{60 \times 17}{12}$, which may yet be more contracted, as 60 and 12 are commensurable by 6, and will become $\frac{10 \times 17}{2} = 85$, the

same as before. This well observed, fully explains the method for contracting the most extensive compound *arbitrations*, as well as these simple ones. The manner of stating the compound ones we shall give in another place.

Fourth EXAMPLE.

B of Amsterdam gives an order to E at Cadiz, to remit on Hamburg at 124 gros lubs for 1 ducat of 375 maravadis, and to draw for him at 126 groots de gros for the said ducat. It is demanded at what price the exchange will be between Amsterdam and Hamburg? Answer at $32\frac{1}{4}$ stivers *per* daalder of 32 s. lubs.

$$\begin{array}{r} 31 \\ \text{For } 124 \text{ gros lubs} = 1 \text{ ducat.} \\ 1 \text{ ducat} = 126 \text{ groots of Amsterdam} \text{ — } 375 \text{ s. lubs.} \\ 8 \\ \hline 31(1008(32\frac{1}{4} \text{ answer.} \\ 93 \\ \hline 78 \\ 62 \\ \hline 16 \end{array}$$

The four preceding examples may suffice to shew the different methods of working by the direct, inverted, and double rule of three; but those that follow being more complex, and their operations more difficult to be reduced into as small a cyphering as what has been just now done, and the common practice shews, we have borrowed the assistance of the following tables from Mr. Samuel Ricard, as he did the principles of them from another, of which he himself gives the subsequent account.

TABLE II.

L O N D O N .

$\frac{1}{2}$ d.	$\frac{1}{2}$ d.	$\frac{1}{2}$ d.	$\frac{1}{2}$ d.	$\frac{1}{2}$ d.
33 s. od. 2466 2471	33 s. 11 d. 2585 2590	34 s. 10 d. 2701 2706	35 s. 9 d. 2814 2819	36 s. 8 d. 2924 2928
1 2477 2482	34 s. od. 2596 2601	11 2711 2716	10 2824 2829	9 2933 2938
2 2488 2493	1 2606 2612	53 s. od. 2721 2727	11 2834 2839	10 2943 2948
3 2499 2504	2 2617 2622	1 2732 2737	36 s. od. 2844 2849	11 2953 2958
4 2510 2515	3 2627 2633	2 2742 2747	1 2854 2859	37 s. od. 2963 2968
5 2520 2526	4 2638 2643	3 2752 2758	2 2864 2869	1 2973 2977
6 2531 2537	5 2649 2654	4 2763 2768	3 2874 2879	2 2982 2987
7 2542 2547	6 2659 2664	5 2773 2778	4 2884 2889	3 2992 2997
8 2553 2558	7 2669 2675	6 2783 2788	5 2894 2899	4 3002 3007
9 2564 2569	8 2680 2685	7 2793 2798	6 2904 2909	5 3011 3016
10 2574 2580	9 2690 2696	8 2803 2809	7 2914 2919	6 3021 3026

TABLE III.

H A M B U R G H .

Shil.	$\frac{1}{16}$	$\frac{1}{8}$	$\frac{3}{16}$	$\frac{5}{16}$	$\frac{3}{8}$	$\frac{7}{16}$	$\frac{9}{16}$	$\frac{5}{8}$	$\frac{11}{16}$	$\frac{13}{16}$	$\frac{7}{8}$	$\frac{15}{16}$
31	1411	1420	1429	1446	1455	1468	1481	1489	1498	1515	1524	1532
32	1549	1557	1566	1583	1591	1600	1616	1622	1633	1649	1658	1666
33	1682	1693	1699	1715	1723	1731	1748	1756	1764	1780	1788	1796
34	1812	1820	1828	1844	1852	1860	1875	1883	1891	1907	1914	1922
35	1937	1945	1953	1968	1976	1984	1999	2007	2014	2029	2037	2045

TABLE IV.

Amsterdam, Antwerp, Paris, &c.

Amsterdam and Antwerp. | *Antwerp and Paris.*
Amsterdam and Paris. | Number fixed 6489.

If you take for Paris, London, Cadiz, or Venice, this makes no alteration, and the fixed number shall be the same.

Amsterdam, Venice, and Lyons.

Amsterdam and Venice. | *Amsterdam and Lyons.*
Venice and Lyons. | Number fixed 6489.

Amsterdam, Paris, and Hamburg.

FIRST CASE.

From Amsterdam on Hamburg and Paris.
 From Hamburg on Paris and Amsterdam.
 From Paris on Amsterdam and Hamburg.

Amsterdam and Hamburg. | *Amsterdam and Paris.*
Hamburg and Paris. | Number fixed 1470.

This may serve likewise for Amsterdam, Hamburg, and Venice; but you must take half of the deniers lubs, which are given at Hamburg for a ducat, and instead of Paris, you must read from Venice.

SECOND CASE.

From Amsterdam on Paris and Hamburg.
 From Hamburg on Amsterdam and Paris.
 From Paris on Hamburg and Amsterdam.

Amsterdam and Paris. | *Amsterdam and Hamburg.*
 $\frac{1}{2}$ *Paris and Hamburg.* | Number fixed 8250.

Amsterdam, London, Paris, &c.

Amsterdam and London. | Number fixed 291.
 London and { Paris, Venice, Genoa, Leghorn. } and Amsterdam.

Amsterdam, London, and Spain.

Amsterdam and London. | *Amsterdam and Spain.*
London and Spain. | Number fixed 1104.

Amsterdam, London, and Lisbon.

Amsterdam and London. | *Amsterdam and Lisbon.*
London and Lisbon. | Number fixed 4270.

Amsterdam, Genoa, and Venice.

Amsterdam and Genoa. | *Venice and Amsterdam.*
Genoa and Venice. | Number fixed 6454.

Amsterdam, Dantzick, and Hamburg.

Amsterdam and $\frac{1}{2}$ Dantzick. | *Dantzick and Hamburg.*
Amsterdam and Hamburg. | Number fixed 2510.

Amsterdam, Lisbon, and Lyons.

Amsterdam and Lisbon. | *Lyons and Amsterdam.*
 $\frac{1}{2}$ *Lisbon and Lyons.* | Number fixed 6489.

But if the change from Lisbon on Lyons exceed 567 reis, take $\frac{1}{8}$ instead of $\frac{1}{2}$, and the fixed number will be 3479.

Amsterdam, Paris, and Spain.

Amsterdam and Paris. | *Spain and Amsterdam.*
 $\frac{1}{4}$ *from Paris and Spain.* | Number fixed 2876.

That is, whatever French livres are given or received for a pistole of Spain, must be reduced into fols, and the quarter part taken.

There might be chosen many other places, but to be short, we have taken no more than two particular cafes, which we have in the seventh and eighth propositions.

Berlin, Amsterdam, Genoa, Turin, Geneva, Frankfort, and London.

Berlin and Amsterdam. | *Turin and Genoa.*
Amsterdam and Genoa. | *Geneva and Frankfort.*
Turin and Geneva. | *London and 10 times Berlin.*
Frankfort and London. | Fixed number 8193.
 Provision.
 Profit.

Genoa,

A R B

Genoa, Venice, Florence, Leghorn, Novi, Milan, Amsterdam, and London.

$\frac{1}{2}$ of Leghorn and Novi.
Milan and Amsterdam.
Amsterdam and London.
Provision.
Profit.

Genoa and Venice.
Venice and Florence.
Florence and Leghorn.
 $\frac{1}{2}$ Milan and Novi.
Number fixed 9549.

For the provision at $\frac{1}{2}$ per cent. the fixed number is $14\frac{1}{2}$; and at $\frac{1}{2}$ per cent. $21\frac{1}{2}$.

The PROFIT TABLE V.

per C.	$\frac{1}{10}$	$\frac{2}{10}$	$\frac{3}{10}$	$\frac{4}{10}$	$\frac{5}{10}$	$\frac{6}{10}$	$\frac{7}{10}$	$\frac{8}{10}$	$\frac{9}{10}$
0	0	4	9	13	17	22	26	30	35
1	43	48	52	56	60	65	69	73	77
2	86	90	95	99	103	107	111	116	120
3	128	133	137	141	145	149	154	158	162
4	170	175	179	183	187	191	195	199	204
5	212	216	220	224	228	233	237	241	245
6	253	257	261	265	269	273	278	282	286
7	294	298	302	306	310	314	318	322	326
8	334	338	342	346	350	354	358	362	366
9	374	378	382	386	390	394	398	402	406
10	414	418	422	426	430	434	438	441	445
11	453	457	461	465	469	473	477	481	484

The LOSS TABLE VI.

per C.	$\frac{1}{10}$	$\frac{2}{10}$	$\frac{3}{10}$	$\frac{4}{10}$	$\frac{5}{10}$	$\frac{6}{10}$	$\frac{7}{10}$	$\frac{8}{10}$	$\frac{9}{10}$
0	0	4	9	13	17	22	26	30	35
1	44	4	52	57	61	66	70	74	79
2	81	92	97	101	106	110	114	119	123
3	132	137	141	146	150	155	159	164	168
4	177	182	186	191	195	200	205	209	214
5	223	227	232	237	241	246	251	255	260
6	269	273	278	283	287	292	297	301	306
7	315	320	325	329	334	339	344	348	353
8	362	367	372	376	381	386	391	395	400
9	410	414	419	424	429	434	439	443	448
10	458	462	467	472	477	482	487	491	496
11	506	511	516	521	526	531	535	540	545

An Explanation of the Table.

N^o II. is for London. N^o III. is for Hamburgh, if the exchange is found in the eighths and sixteenths. N^o I. is for all other places; and for Hamburgh when the exchange is in shillings, $\frac{1}{2}$ shillings, and $\frac{1}{4}$ shillings. N^o IV. serves to shew the numbers that must be added together, viz. all those that must be added together on the same side.

The fifth and sixth are for profit and loss. If it is found that the sum of the addition of the side in which to find that given is less than the other sum of the side where what is received is, it must be sought for in the table of profit, N^o V. and when there is a loss, in that of N^o VI. And that the use which may be made of these tables may the easier be comprehended, we shall here add some examples.

First EXAMPLE.

A of Amsterdam remits on London to B at 34 s. $5\frac{1}{2}$ groots, what B remits for the account of A to Cadiz at $49\frac{3}{4}$ d. sterling per dollar. If the merchant at Cadiz remits the produce on Amsterdam at $121\frac{1}{2}$ groots of Holland per ducat of 375 maravadis; it is demanded how much A hath gained or lost, exclusive of the charges.

Solution by the Tables.

He gives	He receives
34 s. $5\frac{1}{2}$ grs. 2654	$121\frac{1}{2}$ 7335
49 $\frac{3}{4}$ d. 3457	7215
Fixed number 1104	
	120
7215	

$2\frac{1}{2}$ per cent. gained.

A R B

The Operation.

d.	Maravadis.	d.
If $49\frac{3}{4}$ Mar.	272	240 will give $1312\frac{3}{4}$ mar.
If 375	$121\frac{1}{2}$ grs.	$1312\frac{3}{4}$
	2	199
	243	11810
		11811
	2	1312
		261120

199

Now the 2d and 3d terms multiplied, and divided by the first in the order they now stand, will be expressed as follows;

$$\frac{243 \times 261120}{2 \times 199 \times 375}, \text{ which gives 425 groots.}$$

Now the difference between 34 s. 5 grs. $\frac{1}{2}$ and 425 grs. is $11\frac{1}{2}$ grs. therefore $\frac{11\frac{1}{2} \text{ grs.}}{34 \text{ s. } 5\frac{1}{2} \text{ grs.}} \times 100 = \frac{23}{827} \times 100 = 2\frac{8}{10}$ nearly.

By the double rule of three.

d.	Mar.	d.	grts.	Mar.
$49\frac{3}{4}$	375	240	$121\frac{1}{2}$	272
4			2	
199			243	

You may express the last three terms divided by the first two, thus, $\frac{240 \times 243 \times 272 \times 4}{199 \times 375 \times 2} = 425$, as before.

Second EXAMPLE.

A of Amsterdam remits to B of Dantzick, at 276 grofs of Poland, for one livre of grofs, the which B remits on Hamburgh at $115\frac{1}{2}$ grofs for 48 shillings lubs; if Hamburgh remits what it amounts to, to A at $33\frac{3}{8}$ stivers per daalder of two marks lubs; it is demanded how much per cent. A has gained or lost, omitting the charges.

Solution by the Tables.

A gives	N ^o fixed	A receives
$115\frac{1}{2}$ 7115	2510	$\frac{1}{2}$ 276 is 138 7888
	9625	$33\frac{3}{8}$ 1699
	9587	9587

38 or $\frac{9}{10}$ per cent.

By the rule of three.

grofs.	shil. lubs.	grofs.
If $115\frac{1}{2}$	48	276 will give $114\frac{5}{7}$, then
shil. lubs.	stiv. of Amster.	shil. lubs.
If 32	$33\frac{3}{8}$	$114\frac{5}{7}$

This ordered according to the foregoing example, will produce $118\frac{9}{10}$ stivers, which taken from the 120 stivers first given, there remains $1\frac{1}{10}$ stivers, therefore

$$\text{as } 120 \text{ --- } 1\frac{1}{10} \text{ --- } 100 \text{ to } \frac{1}{10}, \text{ the loss per cent.}$$

By the double rule of three.

grofs.	s.l.	grofs.	stiv. of Amst.	s.l.
$115\frac{1}{2}$	32	276	$33\frac{3}{8}$	48
The fractional terms being reduced into improper fractions, as these in the first example, the operation then will be entirely similar to the last in the said example, and $118\frac{9}{10}$ stivers, as before.				

Third EXAMPLE.

Two persons, A and B at Paris, have occasion for money at Cadiz; A remits directly, and gives 18 livres 3 sols per Spanish pistole; B chofes the way of Holland, and orders to be remitted him from Amsterdam at $121\frac{1}{4}$ groots for a ducat of 375 maravadis; Amsterdam reckons

$\frac{1}{2}$ per

$\frac{1}{2}$ per cent. charges, and draws for his reimbursement at the rate of $56\frac{1}{4}$ groots per French crown of 60 sols; it is demanded which of the two methods proved must advantageous?

Answer; his who remitted directly.

Operation by the Tables.

A gave $56\frac{1}{4}$ 3990 B gave $121\frac{1}{4}$ grts. 7326
 $\frac{1}{4}$ of 36 sols is $9\frac{3}{4}$ 6067 $\frac{1}{2}$ per cent. 22
 Fixed number 2876
 10057

10224
 10057

Seek in Number VI. 167

$3\frac{1}{3}$ per cent.

OTHERWISE.

By reflecting on the nature of the question, it appears, that what Amsterdam reckons for charges may be considered to encrease the number of sols so much more than B would otherwise have paid for the 375 maravadis; therefore first say, if $100\frac{1}{2}$ — $\frac{1}{2}$ — 60, or if $10\frac{1}{2}$ — $\frac{1}{2}$ — 6, or if $5\frac{1}{2}$ — $\frac{1}{2}$ — 3 must give $\frac{3}{10}$, which B must pay at Amsterdam for his charges for every 60 sols in the value of the 375 maravadis. But instead of finding the sols B must pay, excluding the charges, and then computing the charges, and adding them to the sols last found for B's whole payment, you may by parity of reason say,

groots. sols. groots.
 As $56\frac{1}{4}$ — $60\frac{3}{4}$ — $121\frac{1}{4}$ to $129\frac{3}{4}$ sols paid by B for a ducat. Lastly, to compare whether A or B has succeeded best, say,

l. s. the maravadis in a pistole. sols.
 If 18 — 3 — 1088 — $129\frac{3}{4}$ will give 389 maravadis, which B would have had got instead of 375, had he exchanged as A did; therefore it is manifest, that in receiving only 375, he had less than A for the same sum of Paris money by 14 maravadis; and to make a calculation per cent. it will be

mar. mar.
 As 375 — to 14 — 100 to $3\frac{1}{3}$, the answer.

Fourth EXAMPLE.

A merchant of Hamburgh orders us to draw for his account on Dantzick, at 270 grofs of Poland for 1 livre de grofs, and to remit the amount on London at 35 schillings per pound sterling, or at other rates, which may be more advantageous for him, provided he can draw on Dantzick at 261 grofs of Poland; it is demanded at how much he ought to remit to follow the last order. Answer, at 36 schillings $2\frac{1}{2}$ groots.

Solution by the Tables.

Take the half of the grofs of Poland according to the order, and the exchange will be 135 and $130\frac{1}{2}$.

Order { 135 7793
 35 schil. 2721

10514
 $130\frac{1}{2}$ 7645

2869 this must be sought for in the table for London; and the schillings and groots of grofs which correspond to this number, will be found to be 36 schillings $2\frac{1}{2}$ groots.

By the rule of three.

In this question it is obvious, that as the grofs of Poland given for a livre de grofs decrease, the schillings given for a pound sterling must proportionably encrease, to follow the condition of the last order; hence the question is an inverted one in the rule of three, and thus stated:

grofs of Poland. schillings. grofs of Poland.
 If 270 ————— 35 261, where
 $\frac{270 \times 35}{261}$ gives 36 schillings, and the remainder multi-
 16.

plied by 12 for groots, and the next by 2, for half groots, at each time dividing by 261, brings out $2\frac{1}{2}$ groots nearly.

Fifth EXAMPLE.

There is an order to A of Amsterdam to draw on Paris at $53\frac{3}{4}$ groots per crown, and remit on London at 34 schillings 1 groot per pound sterling, or at other prices which might be as profitable to him who gave the order. If they can draw at $56\frac{1}{4}$ and remit at 34 schillings $7\frac{1}{2}$ groots; it is demanded whether he can comply with this commission, how much this differs per cent? Answer, Our correspondent receives more than he first ordered about 3 per cent.

Solution by the Tables.

	s.	groots.	
34 schilling 1 groot	2606	34	$7\frac{1}{2}$ 2675
$56\frac{1}{4}$ pence	3990	53	$\frac{1}{4}$ 3793

A receives by the exchange 6196 and by the order 6468
 6468

128 seek in the table of profit, and you will find about 3 per cent.

By the rule of three.

groots.	s.	groot.	groots. fch.	groots.
As $53\frac{3}{4}$ — 34	1 —	$56\frac{1}{4}$ to 35	8 the	

rate at which A might remit per pound sterling to London, when he drew on Paris at $56\frac{1}{4}$ groots per French crown; but he only remitted at 34 s. $7\frac{1}{2}$ grs. therefore in remitting this last sum he gained 1 schil. $\frac{1}{2}$ grt. the difference between 35 schil. 8 grs. and 34 schil. $7\frac{1}{2}$ grs. and to find what that comes to per cent. say,

fch.	grts.	grts.	grts.
If 34	$7\frac{1}{2}$	$12\frac{1}{2}$	100 will bring out the answer.

Sixth EXAMPLE.

There is an order to draw on Frankfort 100 rixdollars current money of Amsterdam for $128\frac{1}{2}$ rixdollars of Frankfort, and to remit on London at 35 schillings bank money per pound sterling, on condition that the agio shall be 5 per cent. If after this our correspondent writes to us, to omit executing this order, if not already done, unless he receive 2 per cent. more from London than he had ordered: if they can only draw on Frankfort at 135 rixdollars that money for 100 rixdollars of Amsterdam, it is demanded at how many schillings the remits must be made to follow the last order? Answer, 34 schillings $4\frac{1}{2}$ groots.

Solution by the Tables.

$128\frac{1}{2}$ 7586	135 7793
5 per C. 212	2 per C. 86
35 fch. 2721	
	7879

10519
 7879

2640. This number seek in the table for London, and you will find 34 schillings $4\frac{1}{2}$ groots correspond thereto.

For a different solution, it is easy to conceive that when the agio is high the less Frankfort money is given for current money of Amsterdam (the exchange being by banco money) consequently the less banco money must be remitted to London per pound sterling; whence it is clear, that the way to get 2 per cent. from London by remitting at the same rate as before, you must consider the agio as so much less; therefore instead of 95, we have 97 rixdollars banco money of Amsterdam for $128\frac{1}{2}$ rixdollars of Frankfort, at which rate I find the bank money of Amsterdam equal to 135 rixdollars of Frankfort; thus,

rixd. of Frank.	rixd. banco of Amsterd.	rix. Frank.
-----------------	-------------------------	-------------

If $128\frac{1}{2}$	97	135 will
---------------------	----	----------

give $101\frac{1}{2}$ But by the question there are only 100; therefore the remits on London must be made accordingly less, by saying,

A R B

Seventh EXAMPLE.

Solution by the Tables.

there will be found $60\frac{1}{10}$, and it shall be your answer, 4286. This sought in Tab. I.

OTHERWISE.

how much = 1 pound sterling at *London*.

But

A R B

A R B

But to know how many rixdollars must be remitted *per* pound sterling to T, so that he may gain 3 *per cent.* say by the rule of three direct,

If 100	$5\frac{6}{10}$	103
103		$5\frac{6}{10}$
65		
515		515
618		66 $\frac{2}{3}$
100	66195	100
		8195

Eighth Example.

C of Genoa remits for his own account to D of Venice, a certain sum at 104 Marchetti for 4 livres of Genoa, ordering him to remit the net produce to E at Florence; D effects it at 75 crowns d'or of Florence for 100 ducats of Venice. E takes bills on Leghorn at 119 fols 6 livres of Florence, which he remits to F who takes others on Novi, at 175 dollars for 100 crowns de marc of Novi, who remits them to G who in his turn remits them to H of Milan at 180 foldi imp. for a crown de Marc, who makes a remiss at Amsterdam to I of 52 fols of Milan (whereof 140 are worth 106 foldi imp.) for a guilder of Amsterdam, who finally takes bills on London at 34 sch. *per* pound sterling, which he remits to C himself, for whose account all these negotiations were made. If fix of the correspondents deduct each $\frac{1}{2}$ *per cent.* for charges, it is demanded at what price the exchange was between Genoa and London, if C finds that the money he has been in disburse for six months has brought him in an interest after the rate of 8 *per cent.* *per annum.* Answer, 55 $\frac{8}{10}$ d. sterling *per* dollar of 5 livres.

Solution by the Tables.

$\frac{1}{2}$ of 175 is	87 $\frac{1}{2}$	5909	114	6659
52	3649		75	5240
34	1804		119	7244
Fixed number	9549	$\frac{1}{2}$ of 180 is	90	6031
6 Provisions at $\frac{1}{2}$ <i>per cent.</i> each	130 $\frac{1}{2}$			
4 <i>per cent.</i> gain	170		35174	
			21211 $\frac{1}{2}$	
	21211 $\frac{1}{2}$			3962 $\frac{1}{2}$

Which answers to

55 $\frac{8}{10}$ d.

Operation for the exact value.

1 Dollar at Genoa	5 Livres Genoese.
4 Genoese livres,	2. x 4 Marchetti banco of Venice.
124 Marchetti banco of Venice	1 Duc. banc. of Venice.
100 Ducats banco of Venice	99 $\frac{1}{2}$ Ducats banco of Venice, the provision deducted.
100 Ducats banco of Venice 3.	7 $\frac{1}{2}$ Crowns d'or of Flor.
1 Crown d'or of Florence	7 $\frac{1}{2}$ Livres of Florence.
100 Livres of Florence	99 $\frac{1}{2}$ Livres of Florence, the provision deduct.
7. 6 Livres of Florence	119 Ordinary fols of Legh.
2. x 7 Ordinary fols of Leg.	1 Leghorn dollar.
100 Leghorn dollars	99 $\frac{1}{2}$ Leghorn dollars, the provision deducted.
7. x 7 Leghorn dollars	100 Crowns de marc at Novi.
100 Crowns de marc of Novi	99 $\frac{1}{2}$ Crowns de marc, the provision deducted.
1 Crown de marc of Novi	2. x 8 Soldi imp. or fols of exchange of Milan.
106 Soldi imp. of Milan	44 Soldi current of Milan.
100 Soldi current of Milan	99 $\frac{1}{2}$ Soldi cur. of Milan.
52 Soldi current of Milan	7 Common stiv. banco of Amsterdam.
7. 6. Common stiv. banco of Amsterdam	1 Stivre de grosf banco of Amsterdam.
100 Stiv. de grosf banco of Amsterdam	99 $\frac{1}{2}$ Stiv. de grosf banco of Amsterdam.
34 Stiv. de grosf banco of Amsterdam	6. 4 d. Sterl. of London.
how much for	1 Genoa dollar.

124	99	99 $\frac{1}{2}$
2	3	6
248	8) 297 (37	597
106	57	99 $\frac{1}{2}$
	1	
1488		5373
2480		5373
		298 $\frac{1}{2}$
26288		
34	119	59401 $\frac{1}{2}$
	5	99 $\frac{1}{2}$
105152		
78864	16) 595 (375	534609
	48	534609
893792000000000		29700 $\frac{1}{2}$
	115	49 $\frac{1}{2}$
	112	
		5910449 $\frac{1}{2}$
99	3	99 $\frac{1}{2}$
3		
16) 297 (18		53194041
16		53194041
		2955224 $\frac{1}{2}$
		24 $\frac{1}{2}$
137		$\frac{1}{8}$
128		
		588089700 $\frac{3}{8}$
9		99 $\frac{1}{2}$
21		5292807300
7		5292807300
		294044850 $\frac{3}{8}$
		37 $\frac{1}{8}$
32) 147 (4		58514925187 $\frac{5}{8}$
128		119
19		526634326683
		58514925187
		5851492518737 $\frac{1}{8}$
54		6963276097290 $\frac{3}{8}$
5		99 $\frac{1}{2}$
64) 270 (4		62669484875610
256		62669484875610
		3481638048645 $\frac{3}{8}$
14		18 $\frac{9}{16}$
		692845971680373 $\frac{2}{3}$
		7 $\frac{1}{2}$
		4849921801762611
		346422985840186 $\frac{1}{2}$
		4 $\frac{1}{2}$
		$\frac{2}{3}$
		5196344787602802 $\frac{2}{3}$
		2
		10392689575205604 $\frac{5}{8}$
		5
		51963447876028020
		4 $\frac{1}{2}$
		51963447876028024 $\frac{1}{4}$
		d.
893792,000000000	51963447,876028024 $\frac{1}{4}$	(58 $\frac{1}{16}$ sterling for a Genoa doll a.
	4468960	
	7273847	
	7150336	
	123511.87	
	89379 2	

Carried over 34132 61

$$\begin{array}{r}
 \text{Brought over} \quad 3413261 \\
 2681376 \\
 \hline
 731885
 \end{array}$$

After having found the exchange, which is here between London and Genoa $58 \frac{13}{100}$ d. sterling for a dollar, it must be seen how much *per cent.* ought to be gained by the exchange, which the example tells us is 8 *per cent. per annum.* We see besides this, that C has been in disburse 6 months; for it ought to be worked by the direct rule of Three; and say,

If 12 months gain 8, how much shall 6 gain?

The answer will be 4, that is to say, 4 *per cent.*

Afterwards there is to be observed, what has been said before of the certain and uncertain price, and of the direct and indirect rule in our example. Genoa gives the price certain; then it must give to London 4 *per cent.* less than it has received; and consequently it must be wrought by the indirect rule of Three; and say,

If 100 — give $58 \frac{13}{100}$ d. — how much shall 104 give?

104) 5813 (Answer, $55 \frac{89}{100}$ d. sterling for a Genoa dollar.

$$\begin{array}{r}
 520 \\
 \hline
 613 \\
 520 \\
 \hline
 93 \\
 100 \\
 \hline
 9300 \\
 832 \\
 \hline
 980 \\
 936 \\
 \hline
 44
 \end{array}$$

Having solved the two preceding problems in the most concise method that we believe is possible, except by tables, we shall now demonstrate, in their explanation, how to perform (in the same manner) all questions relative to *Arbitrations.* And first, we shall deduce the rule for stating them from the second example of the double rule of Three preceding the tables, when the first term is fixed; the second, shewing what different money was given for it; the third, how much of the same specie as the second is given for the fourth, then what quantity of the specie of the fourth, for a fifth term given, which is of the same name as the first term. Now as all such questions, exceeding five given numbers, may, according to that excess, be called questions of the treble, quadruple, quintuple, &c. rule of Three, for whose stating we derive the rule from the foregoing, which will be exactly similar or agreeable to it; only we shall, for brevity's sake, call the first term, the first antecedent; the second term, the first consequent; the third term, the second antecedent; the fourth term, the second consequent, &c. and now express the rule.

The first antecedent must be a fixed exchange, and of the same denomination with the last consequent; the third antecedent of the same specie as the second consequent; and so on, always making the antecedents of the same name and specie as their preceding consequents, which you cannot but do if you follow the conditions of a given question; and if you have so done, you will find your last term of the same specie as the first, and then the demand or answer will be of the same name as the last consequent but one; if you find your work stand otherwise, most likely you have mistaken the first term. The question being thus prepared, it is plain, that the sum of the antecedents must be regarded as equal to the sum of their consequents, as each antecedent is supposed equal to its respective consequent, therefore their products must be accordingly so; for instance, if

5 = 2 more 3, and
 6 more 4 = 10, and
 7 more 5 = 8 more 4
 then 5 × by both 6 and 4, × by both 7 and 5 = 600
 = 10 × by both 2 and 3, × by both 8 and 4,
 but as one of the antecedents in every question is unknown, whilst all the consequents are otherwise, we have an unknown (though supposed) quantity multiplied by the known antecedents, = to the product of the consequents, therefore the unknown quantity (or answer) is found by dividing the product of the consequents (multiplied by one another) by that of the antecedents (multiplied in the same manner.) For example; suppose the case were, what unknown quantity × by 59 would be equal to 472; then I say, 472 divided by 59 gives the sought quantity, viz. 8. Now, in order to contract the work, it is plain, that it is the same thing whether you divide a product, which had divers multiplicators, or you divide one of the multiplicators, (which will admit it) by that number, and then multiply by the rest (for instance $\frac{2 \times 3 \times 12}{6} = 12 = \frac{12}{6} \times 2 \times 3$.) It is likewise evident, that if any two numbers be divided by the same number, their quotients will be in the same proportion as the numbers were. (Instance, 12 divided by 4 is 3, and 20 divided by 4 is 5; wherefore as 3 is to 5, so is 12 to 20; which was to be shewn.) Hence it follows, that, if when a question is stated, you can divide any antecedent and consequent (though they are not opposites) by the same number, the equality is still kept up; and thus you must continue so to do, till you can find no antecedent and consequent commensurable by the same number, then ordering this last equation as above directed, you will have the solution: and *note*, that the last consequent, to which the answer is sought, is subject to the division as the rest; for the product of the last, multiplied by the other consequents, is still the same, whether the last or any other is divided by the same number; this may be seen by the last instance but one, if you call 12 the last consequent; and from what has been said, I infer, that every antecedent after the first must be of the same denomination, as well as of the same species, as its preceding consequent; and that if any antecedent or consequent consists of different denominations, you must (to retain the equality) either reduce both them and their respective consequents and antecedents into the same denomination, or otherwise make the lower denomination an aliquot part or parts of the higher (as 3 l. 3 s. sterling would be $3 \frac{3}{4}$ l.) and then the others remain unaltered; and *note*, that in the second given examples, where the antecedents and consequents are scratched, they have been divided, and the quotients stand towards the left, separated from them by a point, thus, 4. $\frac{1}{2}$ s.; and what has been here said in regard to the questions of money, holds good also for those concerning weights and measures, which may be wrought exactly by the foregoing rules.

E X A M P L E.

If 100 lb. at London be equal to 106 lb. at Lyons, and 30 lb. at Lyons are worth 32 lb. at Paris, and 113 lb. at Paris make 90 lb. at Frankfort; and 12 lb. at Frankfort are given for 18 lb. at Venice, and 152 lb. at Venice are the value of 97 lb. at Cadiz; then how many lb. at Cadiz are equal to 60 lb. at London? Answer $51 \frac{7}{10}$

Being stated and contracted according to the preceding rules the work will stand thus:

$\frac{1}{2}$ s. lb. at London = 106 lb. at Lyons.
 5. 30 lb. at Lyons = 4. 32 lb. at Paris.
 113 lb. at Paris = 3. 90 lb. at Frankfort.
 1. $\frac{1}{2}$ s. at Frankfort = 3. 18 lb. at Venice.
 19. 152 lb. at Venice = 97 at Cadiz, then
 How many at Cadiz = 60 lb. at London.

$$\begin{array}{r}
 113 \\
 5 \\
 \hline
 565 \\
 19 \\
 \hline
 \text{Car. ov. } 5085
 \end{array}
 \qquad
 \begin{array}{r}
 106 \\
 3 \\
 \hline
 318 \\
 3 \\
 \hline
 954
 \end{array}$$

Brought over

5085	954
565	97
10735	6678
Divisor.	8586
	92538
	6
	555228
	Dividend
10735) 555228 (51. 7 answer.	
53675	
18478	
10735	
77430	
75145	
2285	

If 100 ells at Amsterdam are equal to 120 ells at Hamburg, and 30 ells at Hamburg make $21\frac{1}{2}$ ells at St. Gall, and 86 ells at St. Gall are equal to 60 ells at Geneva, and 15 ells at Geneva are worth 28 ells at Dantzick; quere, how many ells at Dantzick are equal to 45 ells at Amsterdam? Answer 50 $\frac{1}{2}$

5. 100 ells at Amsterdam = 2. 4. 120 ells at Hamb.
 30 ells at Hamburg = $21\frac{1}{2}$ ells at St. Gall.
 43. 86 ells at St. Gall = 3. 60 ells at Geneva.
 15 ells at Geneva = 28 ells at Dantzick.
 How many ells at Dantzick = 3. 45 ells at Amsterdam.

43	21 $\frac{1}{2}$
5	2
215	43
	3
	120
	28
	1032
	258
	3612
	3
215) 10836 (50. 4 answ.	
1075	
	860
	860

With the preceding we finish this article of *Arbitration*, and have therein given an instance of every case that can happen in this curious branch of arithmetick; so that any addition would be superfluous, and unnecessarily encroach on our reader's time, without adding any thing to his instruction, which we believe he will find more truly promoted in this short tract, than he would by consulting the many volumes published on the subject; as he has here the reasons for all the operations proposed added to the solutions, which other authors have contented themselves with giving alone.

ARBITRATOR is an extraordinary private judge, between party and party, chosen by their mutual consents, to determine controversies between them. *West. Symb. sect. 21.*

And he is so called from *arbitrium*, (free-will) as some derive it; or because he has an *arbitrary* power, as is supposed by others; for if *arbitrators* observe the submission, and keep within due bounds, their sentences are definitive, from which there lies no appeal. *1 Roll. Abr. 251.*

The *award* of *arbitrators* is definitive, and being chosen by the parties, they are not tied to such formalities of law, as judges in other cases are, and yet they have as great power as other judges to determine the matters in variance; but their determination must be certain, and it is to be according to the express condition of the bond

by which the parties submit themselves to their judgment. *1 Nels. Abr. 234. Dyer 356.*

It has been a custom to chuse two, one by each of the contending parties, with a liberty for them to chuse an *umpire*, in case of disagreement; but as this method has, on many occasions, exposed the *arbitrators* to some disfigurements, from those whose differences they were labouring to reconcile, it has been a practice, for some time past, to nominate three in the bonds, by which means their different opinions remain secret, and consequently unknown to the concerned, who are too apt ungenerously to reflect on a determination, which will naturally differ from the opinion, at least, of one of the parties, and excite, in an uncandid manner, a censure, where, at least, their thanks are due.

The chancery will not give relief against the *award* of the *arbitrators*, except it be for corruption, &c. and where their *award* is not strictly binding by the rules of law, the court of equity can decree a performance. *Chanc. Rep. 279. 1 Vern. 24.*

When the *arbitrators* make an *award* upon one day, they cannot make another between the parties, on any other day; nor can they do it part at one time and part at another, although the times are within the submission. *26 Hen. VI. 52. 39 Hen. VI. 12.*

Though the *arbitrators* may agree upon a thing one day, and on another thing at another time, and at last make an *award* of the whole. *47 Edw. III. 21.*

Arbitrators are to *award* what is equal between the parties, and not on one side only, and the performance of it must be lawful and possible, also the *award* must be final. *2 Mod. Entr. Engl. 262. 1 Inst. 201. 1 Roll. Abr. 242.*

If the *arbitrators* make an *award* of money, to be paid to a stranger, &c. unless the parties have benefit by it, it will be void. *2 Saund. 122. 2 Lill. 169.*

And a party is not to be made a judge in his own cause by *award*. *1 Salk. 71.*

Where a thing is to be done on payment of money, a tender of the money is as much as an actual payment. *Mod. Caf. 33.*

Action of debt may be brought for money adjudged to be paid by *arbitrators*, declaring on the *award*; and also action of debt upon the bond; for not performing the *award*. *Brownl. 55.*

When there is but one *arbitrator*, which happens when the matter is referred to two, and they cannot agree, but leave it to be determined by a third person, it is called an *umpirage*. *8 Rep. 98.*

But the *arbitrators* are to refuse, and declare they will make no *award* before the *umpire* shall proceed, though an *umpire's award* shall be good, where the *arbitrators* make a void *award*, which is no *award*. *1 Lill. Abr. 170.*

It is said an *umpirage* cannot be made till the *arbitrator's* time is out; and if any other power be given to the *umpire*, it is not good; for two persons cannot have a several jurisdiction at one time. *1 Mod. Rep. 15.*

But this seems to be contradicted by the practice aforementioned, of nominating three *arbitrators* in the bond, except the distinction consists in bounds only, as neither of the three is termed an *umpire*.

An *arbitration* is generally an effect of moderation in the contending parties, who think it more safe to refer the matter in dispute to the determination of friends, than to venture a trial at law, more especially as the one is costly, and the other transacted gratis; and the civilians make a difference between *arbitrator* and *arbitrator*; an *arbitrator* being tied to proceed and judge according to law, mingled with equity; but an *arbitrator* is wholly at his own discretion, without solemnity of process, or course of judgment, to hear and determine the controversy referred to him, so as it be *juxta arbitrium boni viri*. *Cowel.*

Arbitrators should give their *award* without entering into particulars, or assigning their reasons for it, as this might expose them to a chancery suit from a dissatisfied party, and it should be in writing, and within the time limited by the *arbitration* bonds.

There should be appointed by the *award*, some reciprocal act, to be done by each party to the other, which the law requireth to be *quid pro quo*, although it be never so small; and reciprocal acquittances should be directed, either general or particular ones, according as the nature of the decision shall require. *Lex. Mer.*

The *arbitrators* are not to award any thing, whereby any matter, already determined by a decree in chancery, or a judgment at common law, or any sentence judicially given in the cause, be infringed or meddled with; for sentence of judicial courts of record are always of a higher nature than *arbitrators awards*, and justly challenge both obedience and respect; though civilians themselves do frequently call merchants in to their assistance, when the matter in dispute is relative to trade, and sometimes recommend the decision of a mercantile point to a trader, after they have long and curiously debated it, without bringing it to a conclusion. See **AWARD** and **UMPIRE**.

ARBOR, in botany, a tree. See the article **TREE**.

ARBOR, in mechanics, the principal part of a machine, which serves to sustain the rest; also a spindle or axis on which a machine turns.

ARBOR VITÆ, in botany, the tree of life.

This tree receives the name of *arbor vitæ*, or the *tree of life*, because it flourishes with a perpetual greenness, and breathes a fragrant and delicious odour. It never grows to any bigness with us in England, being a stranger, and only planted in gardens. The younger branches are flat-tish and tough, bearing on each side several winged leaves, which grow thick together, scaly, somewhat like cypresses, but smooth, and not prickly at the end, and very flat. It bears little small, scaly, white cones at the extremity of the branches. It came originally from Canada.

It is an opening and warming plant, provokes the menses, and is good against the chlorosis; bruised with honey, it dissolves tumours. The oil is commended against the gout, being rubbed on the part; for it acts like fire, by stimulating and opening. It cleanses beds from lice and fleas. *Boerhaave*.

ARBUTUS, the *Strawberry-Tree*. This genus of plants is ranged, by Dr. Tournefort, in his twentieth class, intitled, 'Trees and Shrubs with a monopetalous flower, whose pointal becomes a soft fruit, filled with hard seeds.' Mr. Ray places it among 'the trees bearing berries, including several seeds;' and Dr. Linnæus ranges it in his tenth class of plants; intitled 'Decandria Monogynia;' the flower having ten stamina, and one germen. These trees grow naturally upon the hills; in Italy and Spain, as also in the western part of Ireland. They rise to the height of twenty of thirty feet, but do rarely life with an upright stem, usually dividing into many stems near the ground, which put out, on every side, branches, which are garnished with oblong sawed leaves, of a bright green, and are stiff. These abide all the winter, and are thrust off in the spring by the new ones; so that it is always clothed with leaves. The flowers appear in September and October; soon after which time, the fruit, which succeeded the flowers of the former year, are ripe; for they are at least a year from the flowering to the ripening of the fruit. *Miller*.

ARCANUM, a remedy, whose manner of preparation is industriously concealed, in order to enhance its value. The word is Latin, and literally signifies a *secret*.

At present there are three remarkable remedies, which pass under the specious name of *arcana*, viz. *arcanum corallinum*; *arcanum duplex*, *sive duplicatum*; and *arcanum joviale*; but they are rarely used in the present practice of physic. The method of preparing these medicines may be seen in Quincy's Dispensatory.

ARCHANGEL. The English, in 1553, seeking a passage through the north and east seas to the East-Indies, discovered the port of Archangel in the White Sea. In this desert, there was only a convent, with the little church of St. Michael the Archangel. From this port, having ascended the river Duina, they arrived in the midst of the country, and at last at the city of Moscow. They easily made themselves masters of the commerce of Russia, which, from the city of Novogorod, where it was carried on by land, was transferred to this sea-port. It is, indeed, inaccessible seven months of the year; however, it was of much greater utility than the fairs of the great Novogorod, which sensibly decayed by the wars against Sweden.

The English obtained the privilege of trading there, without paying any duty, and it is so all nations ought, perhaps, to trade together. The English factory in Rus-

sia was first established in *Archangel*, in virtue of a charter granted by king Philip and queen Mary, at the same time that the czar Ivan Wafflowitz swayed the Russian scepter.

This charter is of too extensive a nature, either in regard to the crown, the Russia company, or the British subjects at large, to be fully complied with, and is consequently become in certain respects obsolete: it reserves however in full force such necessary authority as excludes all foreigners, except Russians, from a participation of the Russia trade to Great Britain; and, in virtue of the by-laws to which the traders acquiesce, the good government of the company is supported; a small tax is levied for extraordinary occasions, and for the charitable purpose of relieving poor seamen, and the widows of deceased mariners. This exclusive privilege of trade to Russia still continued in the reign of queen Elizabeth; but the factors employed in the name of the Russia company removed from *Archangel* to St. Peterburgh, soon after Peter the Great founded that city, which he made the seat of the Russian commerce. Peter the Great always shewed a distinguished regard to the English merchants, and even at the time that the politics of the two nations did not entirely coincide, he gave them his royal word, that at all events they might consider themselves as under his peculiar care and protection.

The trade of *Archangel* comprehends that which may be transacted in a part of Russia, and even as far as Moscow, by means of the Duina, on which this city is built, or other rivers with which this vast empire abounds. Besides the English and Dutch, who alone carry on more trade here than all other nations put together, the French, Swedes, Danes, Hamburgers, and those of Bremen, have their magazines and correspondents at *Archangel*. The commodities for this place are silk and woollen stuffs, linnens, castors, (from Canada) paper, mercery, hardware; cannons, and other arms, powder, brimstone, copper, lead, pewter, brandy, wine, oil, vinegar, sweetmeats, dried fruit, saffron, sugar, spice, pepper, herrings, incense, copperas, white lead, indigo; woods for dyeing the Russia hides; laces, gold and silver wire, and of this latter metal in specie. To which may be added Bourdeaux and Anjou wines, (three quarters red, and one quarter white.) Syrops, whitened linnens, fustians, coarse cloth, and other light woollen stuffs, ribbons, hats, jewels, household stuffs, and artificers tools.

But of all the merchandize, there is none whose sale is so sure, or that turns to better account than the castor from Canada, which often sells for ready money, though this is seldom the case with any others.

Furs are (as one may say) the foundation of the trade carried on with Muscovy, and the chief; and although they do not differ in quality from those of Lapland, Bora-dai, and Siberia, yet they are to be found here in greater quantities, on better terms, and with less risque. The Russia leather, dry or salted hides, goat, bear, or wolf-skins; hemp, flax, hogs-bristles, fish-oil, caviar, tallow, tar, wax, salted salmon, &c. are commodities that Muscovy yields, and of which the general staple is established at *Archangel*, which since its being frequented by the English, and afterwards by other nations, has carried away a great part of this trade from the Baltic, and particularly from Revel.

Of all these products and goods, the most esteemed are the hides of Jerossaw, the honey and wax of Pleskou, the tallow of Vologda, the oil in the neighbourhood of Volga, the flax and hemp of the great Novogorod, the pitch of Duina, and the fables and other furs of Siberia.

ARCHETYPE, the original or model from whence any performance is taken.

ARCHETYPE, the name given at the mint to the original weight, or standard, which is kept there, and by which all other weights ought to be examined and adjusted.

ARCHEUS, a term introduced by Paracelsus, and defined by his interpreter to be an invisible species, vague, and separating itself from bodies, the physician's power, and nature's virtue.

Van Helmont makes very frequent use of this word, and informs us, that the *archeus* consists in a connexion of the vital air, as matter with the seminal form, which

is the interior spiritual *nucleus*, containing the fecundity of the seed, and of which the visible seed is but the pod.

This *archeus* is the contriver and director of generation, investing itself with bodily clothing. In animate beings, it perambulates all the recesses of the seed, and transforms the matter, according to the *entelechiæ* of its own image, placing here the heart, and there the brain; and to every part assigning, out of its universal monarchy, a governor, according to its exigency and final use, which remains in its office till death; but the *archeus* is always fluctuating, and never fixed to any member, but keeps a watchful eye over every particular governor of a part, and is always clear and lively, but never idle.

From what has been said, we may perceive that these philosophers only meant nature by their *archeus*.

ARCHIFOU. See *ARQUIFOU*.

ARCHIPELAGO. By the word *Archipelago* is to be understood a cluster of small islands, of which there are many in different seas; but that we are now going to treat of is most necessary for the European merchants to know, being, as one may say, at their doors.

This *Archipelago* (being the only one that was known to the ancients) lies in the Egean sea; and the principal islands are, Argentiëre, Milo, Siphanto, Serpho, Antiparos, Paros, Naxia, Stenofa, Nicouria, Amorgos, Caloyero, Cheiro, Skinofa, Raelia, Nio, Sikino, Policandro, Santorin, Nanfio, Mycone, Delos, Syra, Thermia, Zio, Macronisi, Joura, Andros, Tinos, Scio, Metelen, Tenedos, Nicaria, Samos, Patmos, Fourni, and Skyros, which produce oil and olives, wine, corn, a sort of lichen for dying red, some ordinary, and some good silk, cotton, figs, masts, and planks, salt (at Milo) in vast plenty and very cheap, brimstone, great quantities of millstones (at Milo) flax, cheese, oxen, sheep, mules, cinny, laudanum, wool, goats hair, marble, cotton cloth, a small quantity of pitch, vallowea, honey, wax, scammony, several sorts of earth, capers, &c. which the natives sell to the several Europeans, who go here to purchase them.

Candia is a large island situated at the entrance of the aforementioned *Archipelago*, formerly known under the name of *Crete*; it carries on a considerable trade, and all the Christian nations, who traffic to the Levant, have consuls settled here. The chief towns of the isle are, Canea, Retino, Candia, and Girapetra; the neighbourhood of the principal place, as well indeed as all the rest of the island, are covered with almost an infinite number of olive trees, yielding very good oil, which is the principal product of it, and in such quantities, that in a common year are gathered at least three hundred thousand measures, of eight octues and a half, and the octues of three pounds two ounces: here are likewise purchased, wine, gum adraganth, laudanum, wool, silk, honey, wax, cheese, cotton, and wheat.

Salonica (the ancient *Thessalonica*) is a sea-port, seated at the bottom of the gulph, bearing the same name in the *Archipelago*. All the European nations trade here, but the greatest commerce is from Italy. This place is very fertile in corn. The other merchandize of *Salonica*, are tobacco (of which whole ship-loads are exported at a time) hides, cotton in wool, (better than that of Smyrna) yellow wax, brought here in large quantities from Turkish Valachia, unwashed wool, and some coarse woollen stuffs, for the cloathing of the poor people and soldiers.

The goods carried there are indigo, cochineal, ginger, pepper, cinnamon, mace, nutmegs dying woods, sugar, lead, pewter, block and single tin, cloths from England, France and Holland, paper, almonds, verdigrease, and sometimes coffee from the isles.

ARCHITECT, a person skilful in *architecture*, who designs and draws plans of structures, and directs the artificers in the execution.

Whenever a youth is destined for this business, he ought to have a peculiar taste for architecture, and from the force of genius be able to discover, not only the magnificence of buildings richly decorated with ornaments, but that beautiful simplicity, in some edifices, which only strikes the man of true taste. He should also have a lively and bold imagination. To such a genius ought to be added a liberal education; he should learn at least

Latin, French, and Italian; be acquainted with the mathematics, and in particular be skilled in geometry and surveying land. He should early acquire the art of drawing to great perfection; and having studied the works of Palladio, Vitruvius, and the other celebrated authors on this subject, should view the most celebrated buildings in England, improve and perfect his knowledge by travelling abroad, every where taking draughts with his own hand of those buildings that are most worthy of his notice, and making proper observations on their beauties and defects. On his return to England, he should make himself a perfect master in the theory of all the arts employed in building, and be acquainted with the secrets of the mason, statuary, carver, brick-layer, carpenter, and joiner; be a judge of the materials used by each, and know where the best hands are to be found.

With these qualifications, and an acquaintance with the great, he may be enabled to make a handsome fortune. This acquaintance is not however easily obtained by a professor in any art or science. But the English architect, while taking the tour of Europe, may have frequent opportunities of contracting some degree of intimacy with those placed by their birth in a rank much above him; by their being related as fellow countrymen, and connected as fellow travellers in a foreign nation: a relationship that is drawn closer in proportion to their distance from hence.

The profits of the *architect* are very considerable. He draws the plan of a palace, church, bridge, or other structure; in which he exhibits the whole building, with all its ornaments, formed upon a scale, with ground-plats of the several apartments, closes, &c. Besides these, he generally causes a model to be formed in wood also upon an exact scale: by which the employer has a distinct view of the design. When the gentleman has fixed upon a plan, they agree upon the price; and the *architect* either undertakes the whole work for a certain sum, or is only paid for superintending it. In either case, all the master workmen are generally of his own choosing, and such as he thinks capable of properly executing their several branches.

ARCHITECTURE, the art of building or erecting proper structures, either for habitation or defence.

This art, with regard to its objects, is generally divided into three branches, *civil*, *military*, and *naval*.

Civil architecture, is the art of designing and building useful and spacious structures for the various uses of civil life. And this is what is usually implied by the word *architecture*.

The time when this beautiful art was first invented is very uncertain: but as nature must necessarily direct mankind to secure themselves from the inclemencies of the seasons, and the incursions of enemies, *architecture* is presumed to be one of the first inventions human reason was capable of. Necessity occasioned the invention of *architecture*, and the vanity of men embellished it. The good and bad taste of people have successively spoiled and recovered it. In the earliest ages of the world, we are informed, that a city was built by Enoch in order (as is supposed by some) to defend himself and his family against the posterity of Abel, whom Cain, the father of Enoch, had murdered. The materials that were made use of in these ancient times, or the manner in which they were put together, is not easy to be determined at this juncture. Immediately after the flood, we find the Babel projectors making use of brick, and slime instead of mortar; what rules or orders were observed by these early builders, whether they embellished their works with any considerable ornaments, or whether they chiefly consulted bulk, grandeur, or convenience, are enquiries perhaps more curious than useful, and therefore need not be insisted upon.

The public structures among the Hebrews, if we consider either the magnificence of the temple, or the stateliness of their buildings in Jerusalem and other cities, are undeniable testimonies of their great skill in *architecture*.

With regard to the greatness or bulk of structures, we find the ancients, especially among the eastern nations of the world, infinitely superior to the moderns; for not to mention the tower of Babel, of which, an author says, the

foundations were to be seen in his time, which looked like a spacious mountain; what could be more noble than the walls of Babylon, its hanging gardens, and its temple to Jupiter Belus, which rose a mile high by eight several stories, each story a furlong in height, and at the top of which was the Babylonian observatory? The beautiful manner of building, which afterwards prevailed amongst the ancients, consisting of certain orders and rules laid down by the great masters of *architecture*, is supposed by some to have owed its origin to hints taken from the most simple materials, which are employed in building. The patrons of this opinion discover, or at least imagine they discover, a resemblance between the parts of a structure in its utmost simplicity, and the most elegant ornaments of *architecture*: they say, that the pieces of timber, of which the roofs and floors of houses are made, were the original of stone and marble pillars, of architraves, friezes, triglyphs, cornices, and other parts which constitute a fine piece of *architecture*. This is one account given of the original of *architecture*, which however is too plausible to be rejected as chimerical. The Greeks, to whom we owe several useful inventions, are thought to be the authors of this art, at least of those beautiful orders, which now make an essential part of it, viz. the *Doric*, *Ionic*, and *Corinthian*: these, we are told, were first practised in Greece, and from thence communicated to the rest of the world.

The Egyptians were the first who brought *architecture* to perfection; their *architecture* resembled their own character; it displayed over all a noble simplicity, agreeable to nature, and a greatness which filled the mind and charmed it. One reads with astonishment, in Herodotus and Diodorus, the description of the labyrinth, that is to say, of 1200 palaces composed of 1500 chambers, mixed with terraces, which communicated together around twelve halls, and left no outlet to those who entered.

Egypt always aimed at what was great. It raised monuments for posterity; its pyramids are still subsisting; the greatest has a base of 704 feet on every side, and its perpendicular height is 630; it ends in a platform of forty-eight feet in circumference; and its four sides are exposed exactly to the four regions of the world. As for the Persian *architecture*, it was very much ornamented; but these ornaments, though neatly wrought, want taste, and have nothing natural.

When the Goths and other barbarous nations broke in upon the Roman empire, and arts and sciences became a sacrifice to ignorance and barbarity, *architecture* was lost in the general confusion.

Instead of the beautiful order recommended and explained by that great artist, Vitruvius, an odd, fanciful, disproportioned way of building took place, which was afterwards called the *Gothic*, from the barbarous people who introduced it. Most of the ancient structures in England, and other parts of Europe, are of this kind, which is the reason that some of our largest and most magnificent churches are vastly inferior to the heathen temples, that were much less in bulk. "Let any one reflect (says Mr. Addison) on the disposition of mind he finds in himself at his first entrance into the Pantheon at Rome, and how his imagination is filled with something great and amazing; and at the same time consider how little in proportion he is affected with the inside of a Gothic cathedral, though it be five times larger than the other." The moderns have long since laid aside the Gothic way of building, and are returned to the ancient taste; they have found the rules and maxims, laid down by the Greek and Roman architects, to be the only rules that are perfectly consistent with beauty and true greatness. The usefulness and excellence of *architecture* will appear, if we consider how much it contributes to the convenience and satisfaction of life in general. As most civilized nations have owed their security to their skill in this art, so, where this kind of knowledge has been wanting, mankind has been continually exposed to the insults of neighbours, and perhaps been obliged to wander from place to place, for want of a proper defence to secure them in their possessions.

Architecture, therefore, well deserves the care of every well regulated state, it being an art that assists us in build-

ing, not only magnificent houses and places of worship, but ships, castles, and other structures necessary for the defence and ornament of society.

Architecture is a science which ought to be accompanied with the knowledge of a great many other arts and sciences; as optics, arithmetic, geometry, designing, gilding, painting, natural philosophy, medicine, law, &c. It was necessary among the ancients, that an architect should have skill in music, to string their catapults, and other warlike instruments; and to place musical vessels of brass in the theatres.

Another particular necessary to be acquired by an architect, is such a knowledge of the orders and proportions observed by the ancient Greek and Roman architects, as shall help to give him some notion of the beauty or excellency of a fine pile of building. Without some acquaintance with the orders and proportions of *architecture*, it is impossible to make a proper judgment of the beauty or excellence of any fabric whatsoever. A person, it is granted, without any extraordinary skill of this kind, may be sensibly affected at the sight of a magnificent structure, and conclude it to be the work of some great master. However, was he asked the reason of his opinion, he would be at a loss to defend it.

It is a regular disposition of the several orders of *architecture*, and an exact observance of the proportion of their respective parts, which gives that force, beauty, and greatness of manner, which is so much admired in good buildings. The Greeks and Romans were so happy in adjusting the height, breadth, and bulk of the several parts of an edifice, that any great neglect of their rules has been found to be a deviation from proportion and beauty itself. In short, wherever the rules of the ancients have been disregarded, and little fanciful ornaments introduced, as in Gothic buildings, there is nothing of that magnificence or grandeur, which appear in structures built after the Greek and Roman models.

A small building, where the ancient greatness of manner is observed, has such a force upon the imagination, that it shall give the mind nobler ideas than one twenty times the bulk, where the manner is ordinary and little. Mr. Addison has a good observation to this purpose, quoted from Mons. Freart's Parallel of the Ancient and Modern *Architecture*, which serves to let us see what is meant by greatness of manner. See his *Spectator*, N°415. In short, nothing is truly great or beautiful in *architecture*, but what is formed upon the ancient models, and agreeable to those rules and maxims laid down by the Greek and Roman architects. A number of little trifling ornaments in building are like puns in an epic poem, rather blemishes than beauties, and take off from the magnificence of the principal design.

The manner of the ancients, being then the standard of beauty and grandeur in building, we shall here give the reader a short view of the writings of the best authors upon this subject.

We have no Greek authors extant on *architecture*.

The first who wrote of it was Agatharcus the Athenian, who was succeeded by Democritus, Archimedes, and Theophrastus.

Among the Latins, were Fuscus, Terentius Varro, Publius Septimius, Rufus, and Epaphroditus. Pliny the Younger has likewise wrote a good treatise upon this art.

But of all the ancients Vitruvius is the only entire author, though Vegetius relates that there were seven hundred architects in Rome in his time. Vitruvius lived under Augustus, and composed a Complete System of *Architecture* in ten books, which he dedicated to that prince. He has divided his work into three parts, viz. building, dialling, and mechanics.

His rules for *architecture* were highly esteemed among the ancients, and are still the standard for practice among the moderns. He has been commented upon by Philander and Daniel Barbaro, and translated into many languages.

There are two things censured by the moderns in this excellent work, viz. want of method, and obscurity. The mixture of Latin and Greek, in Vitruvius, is such, that Leon Baptista Alberti has observed, he wrote Latin to the Greeks, and Greek to the Latins; he adds, that

the work contains abundance of things superfluous and foreign to the purpose. For this reason, M. Perrault has extracted all the rules out of Vitruvius's prolix work, and methodized and published them in a little abridgement.

Several authors have also endeavoured to explain the text of Vitruvius, particularly Philander, Barbaro, and Salmasius, in notes added to their several Latin editions; Rivius and Perrault in the notes to their German and French versions; and Baldus in his *Lexicon Vitruvianum*, enlarged by de Laet. The same M. Perrault has also composed an excellent treatise of the five orders, which may be esteemed a supplement to Vitruvius, who left the doctrine of the orders defective.

The authors upon *architecture*, since Vitruvius, are Leon Baptista Alberti, who, in 1512, published ten books of the art of building, in Latin, designed to outvie Vitruvius; in which, however, he has not succeeded: his work has abundance of good things, but is deficient in the doctrine of the orders. Seb. Serlio, who wrote seven books of *architecture*; five of which, concerning the five orders, were made public in 1602; throughout all which, he exactly keeps to Vitruvius's rules: the seventh was since published in 1675; but the sixth, concerning private buildings, has not yet appeared. And Palladio, who wrote four books of *architecture*, containing the fundamental rules of the art, with various instances of all the kinds of works, published in Italian in 1575; the two first books are rendered into High-Dutch, and enlarged with annotations, by Boeckler. Phil. de Lorme, who published nine books of *architecture* in French, in 1567. I. Barozzi de Vignola, who, in 1631, made public his rules of the five orders in Italian, since translated, with large editions, by Daviler, under the title of *Cours d'Architecture*, &c. and since also into High-Dutch, with notes.

To these may be added Vincent Scamozzi, his idea of Universal *Architecture*, published in 1615, in Italian. Car. Phil. Dieussart, in his *Theatre of Civil Architecture*, published in High-Dutch in 1697; wherein he not only delivers the rules of *architecture*, but explains and compares the five orders, as laid down by Palladio, Vignoli, Scamozzi, &c. which same design was also executed in French by R. Freart de Cambray, in a parallel of the ancient *architecture* with the modern, published in French in 1650, and since translated into English, with additions, by Mr. Evelyn. Fr. Blondel, director of the Royal Academy of Painting, &c. in 1698, gave a course of *architecture*, in French; being a collection from all the celebrated writers upon the subject of the orders, &c. Nic. Goldman, in a treatise of *Stylometris*, published in Latin and High-Dutch, in the year 1661, has done good service, by reducing the rules and orders of *architecture* to further degrees of perfection, and shewing how they may be easily delineated by means of certain instruments invented by him.

Lastly, the elements of *architecture* are very ingeniously laid down by Sir H. Wotton. The same are reduced by Sturmius and Wolfius, to certain rules and demonstrations; and thus was *architecture* brought into the form of a mathematical art; by the first, in his *Mathesis Juven.* and the second, in his *Elem. Matheseos*, tom. ii. an. 1715.

Military ARCHITECTURE, is the art of fortifying places, or strengthening them with walls, ramparts, ditches, &c. so as to enable the inhabitants to oppose the insults of their enemies.

Marine, or Naval ARCHITECTURE, or the art of ship-building, is not only founded upon the due application of geometrical principles with great judgment and delicacy, but on those of hydrostatics, as the honourable Mr. Boyle observes. A person to be thoroughly skilled in this useful art, requires to be well informed in all the curious problems, theorems, and paradoxes, with which that great man, and others, have favoured the world upon that subject.

In order to complete the art of ship-building, it has been observed by some ingenious practical artists in this branch, that hydrostatical experiments for this purpose should be made upon salt water, and not fresh, as the chief of them have been.

It has been said by others also, that the shipwright should be as good a mariner, as marine architect, and

know as well how to sail, as build a ship; the reason given for this is, that, in practical navigation, the ingenious shipwright, skilled therein, will remark variety of particulars, which will guide him in his *architecture*, which the mere shipwright can form no idea of.

It is not for want of genius in shipwrights, that the practical part of ship-building is not carried to a greater perfection: but for want of their not being so regularly bred in these kingdoms, as might be desired, considering that our whole commerce and navigation so greatly depend upon that art; for the qualifications requisite to render a person a complete master of this art are really so many, as well in regard to the theory as practice, that it is very rare, indeed, that such qualifications are united in one man. It has been observed, therefore, by some wise and great persons, that our successes by sea have been more owing to the strength of natural genius in our mere practical shipwrights, or rather to chance, than to any competent knowledge in those parts of the mathematics and philosophy, which are indispensibly necessary to excel in that art.

From the year 1617 to 1656, ships of three decks were from thirty-eight to forty feet broad; the St. Michael, by Sir John Tippets, but forty-one feet eight inches; the London, by Jonas Shiff, but forty-four feet, and carried a hundred guns: since that, several ships, of forty-eight feet broad, have been obliged to be girdled.

The Monk, by Sir John Tippets; the Rupert, by Sir Anthony Deane; the Mary, by Mr. Pett; the Dreadnought, by Sir Henry Johnson, all third-rate men of war, belonging to the royal navy of England, and but thirty-six feet six inches broad; the Cambridge, by Mr. Shiff, but thirty-eight feet; and the Royal Oak, no more than forty, and each of them carrying seventy guns; and, since then, two deck ships of forty-two feet broad have miscarried.

The Royal Catharine was contrived by the Royal Society, and yet was girdled; the double-keeled experiment was also made by that society.

Since miscarriages in our ship-building are often attended with very prejudicial, and sometimes with very fatal consequences to the nation, this art cannot be too judiciously cultivated, nor too zealously promoted.

It has been observed by some, that a ship ought to be considered three principal ways. First, by trying her body below the deepest draught of water, whether the shape be truly circular or not, according to the course of the water, and not by horizontal parallels, which will enable us to form a true judgment, whether she will sail swift or not. Secondly, by observing the shape or frame of the ribs, which will inform us whether she is well contrived to bear the sail that is designed, or in the shipwright's phrase, whether she be stiff, or tender sided. Thirdly, by considering the due connection of such a machine: which three observations being skilfully made, will form, as some say, the hull of any ship perfect and complete.

Others are of opinion, that the resistance in the water is according to that cross section, which is made by the midship, or the largest part of the ship, considering only the angle of incidence; that every ship principally resists the medium at her broadest part; also that the mass of water which resists a ship, is not resisted by her till it has passed by her biggest part; and that, if two ships were formed ever so different, the one ever so acute, and the other as obtuse as possible, yet, if their cubic inches under the surface of the water, and the power driving them were equal, the trim indifferently considered, their velocities would be equal.

Upon the whole of this article of *architecture*, it may be said, that it is certain that those nations, which have no stately and magnificent buildings in general, are always poor and uncivilized. Land structures and edifices of every kind, by giving employment to prodigious numbers of people, whatever has a tendency to improve the art of building, should be duly encouraged by those whose fortunes and distinction will admit of it; and this not only for the splendor and magnificence of the state, but for the promoting of useful arts, and benefit of landed estates: for this art gives birth to the immense consumption of timber, bricks, stone, mortar, iron-work, &c. all which tend to the private advantage of

the landed interest; as does likewise the well furnishing of those sumptuous edifices, whereby daily bread is acquired for an infinite number of other mechanics and artificers. Add to this, these mechanic arts give strength, wealth, and grandeur, to a nation, and gradually train up and support a constant race of practical artists and manufacturers, who thereby become the great instruments of bringing treasures into the state, by the vent of our native commodities to foreign nations.

Besides *civil architecture*, it may not be for the interest of England wholly to neglect the *military*, as we have experienced upon some late occasions, more especially while other nations are assiduous in the improvement of the art of fortification: but, as to *marine architecture*, or the admirable art of ship-building, it should be thought needless, by every true friend to the interest of the trade and navigation of Great Britain, to urge a word in favour of the study and improvement of an art, upon which our all seems to depend, both as a free and a trading people. See SHIP-BUILDING.

ARCHITRAVE, in architecture, is the lowest member of the whole entablature, being that which lies immediately upon the capital. Authors are very different in their dimensions of *architraves*, and even as to the number of members it is composed of.

The Tuscan *architrave*, according to Vitruvius, should consist of two fasciæ and a cymatium, and be half a module in height. The Doric should be of the same height as the Tuscan, and consist of a tænia, and five fasciæ. The Ionic should be composed of three fasciæ and a cymatium, and of the same height as before. The Corinthian *architrave* should be allowed a greater altitude than the former, and consist of a cymatium and five fasciæ. The composite *architrave*, frieze, and cornish, he makes of an equal height, and each equal to the diameter of the column just under the capital, which is ten twelfths of a module.

ARCHITRAVE doors, are those which have an *architrave* on the arch, if the top be curved; but, if strait, upon the cap-piece.

ARCHIVAULT, in architecture, is the inner contour of an arch, or a band or frame adorned with mouldings, running over the faces of the arch-stones, and bearing upon the impost. It is different in different orders. In the Tuscan it has only a single face; two faces crowned in the Doric and Ionic; and the same mouldings with the *architrave* in the Corinthian and composite.

ARCHIVES, the rolls, or any place where ancient records, and charters, and evidences are kept; also the *Chancery*, or *Exchequer-office*, also the private repository in libraries. Couvel.

ARTIC Pole, in astronomy, the north pole, or that elevated above the horizon in north latitude.

ARTIC Circle, a lesser circle of the sphere parallel to the equinoctial, and $66^{\circ} 30'$ distant from it towards the north pole. See POLAR Circle.

ARCUATION, the raising of trees by layers. The first thing that is to be done, is to procure strong mother plants, which are usually called stools. It is no matter whether the trees be crooked, or otherwise deformed; and the larger they are, the better they are to cut down close to the ground. They are to be planted in a border six feet wide, and in a strait line six feet asunder.

The border must be well trenched or dug, and cleared from all roots, clods, stones, or any other obstructions. These trunks, or stools, being planted in this trench, will throw out twenty, thirty, forty, or fifty shoots, which may be laid about the Michaelmas following; at which time, if the stools have been carefully managed, they will have shot five, six, or more main branches out of the root; and on every one of these, as many side, or collateral branches.

These main branches must be bent down to the ground; and some cut them half through, that they may bend the easier. When the main branches are thus laid round the stool, and pegged fast down, then the small ones may be pegged down too, if you please, and thus the main branches, or shoots, will be covered all over, except the very top, and all the small and fine branches must be covered three inches thick upon the

joints; some persons give the branches a twist, in order to make them take root the sooner. If they be mulched, or some straw dung laid over them, it will be of use to keep them moist; they ought also to have a large basin of earth made round them to hold the water, in order to water them the ensuing summer; which they will require sometimes, if the weather be hot and dry.

About the middle of September following, they may be opened and examined, to see if they have taken root or not, which it is very probable they will have done; but if not, they must be let alone, to lie till the next autumn; when they are to be taken up, and planted in the nursery.

This may be done to the Dutch witch, and English elm; the abeel, lime, alder, platanus, and all sorts of fallows and willows, as also many sorts of ever-green trees, and flowering shrubs. Miller.

ARDASSINE. See SILK.

ARDRES. See AFRICAN COASTS.

AREB, a nominal money used in accounts in the dominions of the Grand Mogul, equal to five shillings sterling.

ARECA, *Indian nut*; the inspissated juice called *catechu*, and *terra Japonica*, or Japan earth. The Japan earth of the shops is a hard, pulverable, gummy-resinous juice, outwardly of a reddish colour, almost black, with a cast of red, of a bitterish astringent taste, followed by a sweet and more grateful one. It is brought from Malabar, Surat, Pegu, and other parts of India, but is not the produce of Japan; nor is it an earth; for when pure, it communicates a dark brown colour to water, and dissolves in it, so as to pass a strainer, without leaving any feces: great part of it likewise proves soluble in spirit of wine, to which it gives a somewhat brighter tincture, than to water. Powdered and thrown on a red hot iron, it emits a copious fume, melts, takes fire, sometimes flames, and leaves behind a small portion of greyish ashes. Some authors are of opinion, that this is not the juice of any one particular tree, but is drawn indifferently from any, or all of the species of acacia, and from the fruit of a kind of palm, which is very like a date. It is said that the Indians prepare this juice from the *areca nut*, before it is quite ripe, by boiling the nut in water, impregnated with some oyster-shell lime, till the liquor has acquired a dull red colour; the decoction is then decanted from the feces, and inspissated to a proper consistence.

The chief use that is made of the *areca* is to chew it with the leaves of *betle*. The Europeans who live at Batavia, Malacca, and in the Sunda and Molucca islands, use it as much as the Indians do. Some pretend that the mastication of *areca* strengthens the stomach, when the juice of it is swallowed, as most of the Indians do. Another property ascribed to it is, its curing, or carrying off, all that might be unwholesome or corrupt in the gums. The Dutch East-India company send a great deal of it in their ships into the kingdom of Bengal. There grows, or is prepared in Malabar, a sort of red *areca*, which is very proper for dyeing in that colour. The same company send some of it from time to time to Surat and Amadabat, for the use of the dyers in the dominions of the Grand Mogul.

ARGEMONE, *Tourn. Instit. R. H. 239. Tab. 121. Lin. Gen. Plant. 574. The Prickly Poppy*. The seeds of this plant were brought from America, by the title of "Figo del Inferno," or "Ficus Infernalis," the Infernal Fig; supposed to be so called from a resemblance between the seed-vessel of this plant and the fig; but being closely beset with prickles, it may have endangered the lives of some ignorant persons, who have attempted to eat it. The whole plant abounds with a yellow juice, like thecelandine, which flows out on the plant's being broken or wounded. The seeds of this plant are used in the West-Indies to purge; and the juice of it is esteemed good for sore eyes. It is also there used for many other disorders, but in Europe, I believe, it is not used in medicine. Miller.

ARGENTUM Dei, God's money; that is money given in earnest upon the making any bargain. It is still called God's penny in the North: I have met with this only in one authority of taking such money in hand as

an earnest of a remaining sum. *Placit. apud Castr. 2. Ed. III.* Hence *arles*, earnest; and *arles-penny*, now used in Yorkshire, where they likewise call servants vails *arles*. *Couvel.*

ARGYLESIRE. This shire is generally fitter for pasture than tillage, though it produces corn in great plenty; its rivers afford abundance of salmon, as its coasts do of herring, cod, and whittings. *Lorn* is the pleafantest and most fruitful part of it, and the inhabitants are more given to fishing and hunting than to any manufactures.

ARICA, though it is the least considerable city of Peru, for the number of its inhabitants, and beauty of its buildings, there is scarce any place, which in so small a time, transacts so rich a commerce; its warehouses being, for fifteen days, the depositories of all the treasures from Potosi; and of the silver fleet, which yearly fails with the king's revenue, and the produce of the mines for Lima, to be afterwards forwarded by the way of Panama to Porto Bello, in the North Sea, for the galleons. This treasure is brought from Potosi to *Arica* in March; and in June the Lima ships come to load it. The city is situated 18 deg. 40 min. of latitude, seventy leagues from the city of Potosi, to which it, however, serves for a loading place, as before-mentioned.

The merchandizes which are brought from Lima, and other parts of Peru, to *Arica* for Potosi, are European cloths and ferges, with others from Quito, where the best woollen manufactures are of all Peru. Gold, silver, silk, and cotton stuffs; these here made in the country, and the others coming from Spain by the galleons; flour, wheat, maiz or Indian wheat; *acicoca*, an herb serving instead of Paraguay; *Ariquipa* wines, the best of Peru, where the king of Spain permits the planting vineyards; oil, olives, butter, cheese, sugar, salt, quicksilver, sweet-meats, syrups, and all sorts of hard-ware, and iron utensils for the service of families and the mines; all which are paid for in the latter's argentine produce, because the city of Potosi, called also an imperial city, being seated in a country so barren and unfruitful, would furnish nothing to trade, if its mountains did not cover those inexhaustible silver mines they do.

ARISH, a measure of length in use among the Persians, which, Dr. Arbuthnot says, is equal to 3197 English feet.

ARISTOLOCHIA, *birthwort*, in botany, the name of a plant, whose root is of considerable use in medicine. There are several species of this plant, but those generally used in physic are the *aristolochia longa* and *rotunda*, long and round birthwort. The first is of a sub-acrid aromatic taste, and by all accounted a cleanser of the womb, both as a provoker of the menstrual discharges, and a forwarder of delivery. It has ascribed to it also some alexipharmic qualities, and is therefore an ingredient in the composition of the theriaca, and some others of the same tribe. It is reckoned detergent externally, and suppurative; for which reason it has a place in the styptic plaister, both of Crollius and Paracelsus. Johannes Faber made from this an extract and an essence.

The round birthwort differs not from the former but in shape, has the same virtues ascribed to it, and enters into the same composition as the former. This grows chiefly in France, as the former does in some parts of Italy. There is also described by botanists a creeping birthwort, intitled *saracenia* by Gerhard, and *clematitis vulgaris* by John Bauhine; but this seldom comes into the shops, or is used in medicine.

ARITHMETIC, the art of computing by numbers, or that by which we discover what number of quantities there are, either real or imaginary, of any kind, contained in another quantity of the same species.

Proclus in his Commentary upon the first book of Euclid, says, that the Phœnicians, by reason of their traffic and commerce, were thought to be the first inventors of arithmetic, which Pythagoras and his followers, as also the Egyptians, Greeks, and Arabians afterwards much improved, as Clavius and others tell us. But if we are to judge of the knowledge of these ancients in arithmetic from their writings upon the subject, which have been transmitted to us, we may safely conclude, that

their advances herein were but very scanty and imperfect. For, setting aside Euclid, who indeed has given several very plain and pretty properties of numbers in his *Elements*, and Archimedes in his *Arenar*, they mostly consist in dry disagreeable distinctions and divisions of numbers; as may be seen in Nichomachus's and Boetius's Arithmetic.

Nor is the Greek manner of numeration, by the letters of the alphabet at all fit for the performance of the practical part of multiplication, division, &c. with the ease and expedition that they are now performed by the Arabian figures, or nine digits.

Dr. Wallis, in his History of Algebra, says, that there are at Oxford two arithmetical manuscripts of Johannes de Sacro Bosco, who died about the year 1250, wherein the operations of addition, subtraction, multiplication, division, and extraction of the square and cube roots, are performed much the same as now.

Boetius's arithmetic was wrote in the sixth century, and in the ninth century, Pselius wrote a Compendium of the Ancient Arithmetic in Greek, which was translated into Latin by Xylander, and published in 1556, at Basil. Such a Compendium too was published by Willichius in 1540. Other writers are Jordan, whose Arithmetic was published in 1480; Barlaam the monk, Frater Lucas de Burgo, Stifel, Nicholas Tortaglia, Maurolycus, Henrichius, Andreas Tacquet, Clavius, Leotaude, Wells, Metius, Gemma Frisius, Wingate, Kersey, Boyer, Hatton, Cunn of Fractions, Weston, with a multitude of others, too many to be enumerated here. But the best and most absolute work of this kind, both as to matter, order, clearness of expression, and even language, is the System of Arithmetic, published in our language not many years since, by the very ingenious Mr. Malcolm.

Theoretical ARITHMETIC, is that science which shews the various properties of numbers, and the reasons and demonstrations on which the several practical operations are founded.

Practical ARITHMETIC, is the art of computing or performing the several operations, and applying them to practice.

Instrumental ARITHMETIC, is the art of performing the several operations by the help of instruments; as Gunter's scale, Napier's bones, &c.

Logarithmetical ARITHMETIC, is the doctrine of logarithms.

Vulgar ARITHMETIC, is the doctrine of integers and vulgar fractions.

Decimal ARITHMETIC, is the doctrine of decimal fractions.

Binary ARITHMETIC, is that wherein an unity, or 1, and 0, are used.

This was invented by Mr. Leibnitz, who has shewn it to be very useful in discovering the properties of numbers; and M. Danicourt, in the *Mem. de l'Acad. Roy. des Scien.* 1703, has given us a specimen of it with regard to arithmetical progression, where he observes, that as in binary arithmetic two characters only are used, the laws of progression may be more exactly discovered by it, than by any other method.

Tetraſtycal ARITHMETIC, is that wherein only 1, 2, 3, and 0, are used. There is a treatise of this arithmetic extant, written by Mr. Echard Weigel, a German: but both this and binary arithmetic are only useless curiosities, especially with regard to the practical part, since the decimal or common arithmetic is received by all nations, and ingrafted in us, whilst children; and also because numbers may be vastly more compendiously expressed by the common methods, than by either of these.

Sexagesimal ARITHMETIC, is the doctrine of sexagesimal fractions.

Specious ARITHMETIC, is the same as algebra, or the art of computing by symbols.

ARITHMETIC of Infinites, is the method of summing up a series or row of numbers, consisting of infinite terms, or of finding the ratios of them. This method is, at present, rarely used, the doctrine of fluxions, which is far more general, and performs the same thing much easier, being commonly practised.

Decadal or Common ARITHMETIC, is that which is performed by nine figures and a cypher. This is generally

rally supposed to be invented by the Arabians, and was, no doubt, taken from the number of our fingers; because, in computations, we use our fingers, before we understand arithmetic.

Political ARITHMETIC, is the art of calculating the power of states, and the profits of their commerce, by estimating the number of their inhabitants, the quantity of provisions and manufactures consumed by them, the quantity and value of their labour, the value of lands, the profit of navigation, &c. From these calculations, a variety of inferences are drawn by experienced statesmen and financiers for the improvement of agriculture and the advancement of trade and navigation.

The calculations of this kind which Sir William Petty attempted, Dr. Davenant gives some good reasons why many of his numbers are not to be entirely depended on; and therefore he advances others of his own, founded on the observations of Mr. Greg. King.

The land of England, he says, is 39 millions of acres; the number of people about 5,545,000, increasing about 9,000 every year, allowance being made for plagues, &c. wars, shipping, plantations. The people in London he reckons at 530,000; those in the other cities and market-towns 870,000; and those in the villages and hamlets at 4,100,000: the yearly rent of the land he accounts to be 10,000,000*l.* that of the houses and buildings, 2,000,000*l.* *per annum*; the produce of all kinds of grain he reckons to be worth 9,075,000*l.* in a moderately plentiful year; the rent of the corn-lands annually 2,000,000*l.* and their net produce above 9,000,000*l.* the rent of the pastures, meadows, woods, forests, commons, heaths, &c. 7,000,000*l.* The annual produce in butter, cheese, and milk, about 2,500,000*l.* The value of the wool, yearly shorn, about 2,000,000*l.* Of horses yearly bred, 250,000*l.* Of the flesh yearly consumed, about 3,350,000*l.* Tallow and hides, about 600,000*l.* Hay yearly consumed by horses, 1,300,000*l.* By other cattle, 1,000,000*l.* The timber yearly felled for building, 500,000*l.* Wood yearly burnt, &c. 500,000*l.* The land of England is now about seven acres one quarter to each inhabitant. The value of the wheat, rye, and barley, necessary for the sustenance of England, at least, 6,000,000*l.* *per annum*. The value of the woollen manufacture made here, is about 8,000,000*l.* *per annum*; and our exports of all kinds of woollen manufactures above 2,000,000*l.* *per annum*. The annual income of England, on which the people live, and out of which taxes of all kinds are paid, is now about 43,000,000*l.* that of France 81,000,000*l.* and Holland 18,250,000*l.*

Major Grant, in his observations on the bills of mortality, computes, that there are 39,000 square miles of land in England; that in England and Wales there are 4,600,000 souls; that the people of London are about 640,000, and one fourteenth part of the people of England. That in England and Wales there are about 25 millions of acres, being about 4 acres to every head. That but 64 out of 100 of the children born are living at 6 years old; but 40 at 16; but 25 at 26; but 16 at 36; but 10 at 46; but 6 at 56; but 3 at 66; but 1 at 76. And that London doubles itself in about 64 years.

Sir William Petty, in his discourse about duplicate proportion, says, that it is found by experience, that there are more persons living between 16 and 26 than of any other age; and thence he infers, that the square roots of every number of men's ages under 16 shew the proportion of the probability of such persons reaching the age of 70.

Thus, it is four times more likely, that one of 16 years of age lives to be 70, than a child of 1 year old; it is thrice as probable, that one of 9 years lives to be 70, as such a new-born child, &c. That the odds is 5 to 4, that one of 25 dies before one of 16; and so on as the square roots of the ages.

Dr. Halley has made a very exact estimate of the degrees of the mortality of mankind from a curious table of the births and burials at the city of Breslaw, the capital of Silesia, with an attempt to ascertain the price of annuities upon lives. From the whole, he makes the two following very good observations: 1. That, in a great measure, we may justly complain of the shortness of our lives; for that

it appears, that one half of those that are born do not live above seventeen years; and, 2. That the growth and increase of mankind is not so much stunted by any thing in the nature of the species, as it is from the curious difficulty most people make of venturing on the state of marriage; and therefore, that celibacy ought to be every way discouraged by all wise governments; and those who have numerous families of children encouraged by good laws, such as the *jus trium liberorum*, &c. among the Romans. See ANNUITIES.

As a necessary inference from the premises, it may be said, that speculations in the closet, which have not been enlightened and assisted by practice and experience, will be very uncertain guides to him who desires to know the state and condition of a country. Any one therefore, and more particularly a statesman, who would compute with any effect, conducive to the public good, must consult variety of men, and men of different talents; and thus by contemplating the universal posture of the nation, its power, strength, trade, wealth, and revenues, in any counsel he is to offer, by fumbling up the difficulties on either side, and by computing upon the whole, he shall be able to form a sound judgment, and to give a right advice; and this is what should be properly meant by *Political Arithmetic*.

He that has such a computing head will seldom enter into ill measures; he will not put the wars of his prince upon a wrong footing; he will not engage him in weak alliances; he will not propose ill digested schemes and funds for revenues that shall not answer. In any new counsel, he will weigh the event beforehand, and consider how far it may disturb his master's affairs; or affect the nation's credit. Happy are those kingdoms which abound in statesmen so qualified; but miserable is that country, where the men of business do not reckon right; and where, in matters very important, and on which the whole welfare of a people depends, they are allowed to say, They are mistaken.

This computing faculty may not only be useful to statesmen in the general and higher affairs, but it will likewise help them in the more subordinate and ministerial parts of government. It will not only contribute to their well guiding and conducting the nation's whole strength and wealth trusted to their care; but if they know rightly how to reason upon things by figures, they will commit very few errors in relation to their prince's revenues, or to the trade of the kingdom.

There are few places which afford better helps for computation than England does at present. The excise, the customs, and land-tax, are criteria, by which we may judge, not only of what the people consume, but, in some sort, they let us into a knowledge how their numbers increase or diminish. Those duties are the very pulse of a nation, from which its health or decays may be observed. And these revenues must be the better guide to computers, because the accounts of them are fairly kept and stated, and because the respective branches have been under so exact a management, that their produce is known and understood.

The wealth of all nations arises from the labour and industry of the people: a right knowledge therefore of their number is necessary to those who will judge of a country's power and strength. And upon this account, undoubtedly, the Romans did so often make the *census*, that a judgment might from thence be formed, how able the commonwealth was to defend itself, or to invade others.

And the son David committed in numbering Israel, might be probably this, that it looked like a second proof of rejecting Theocracy, to be governed by mortal aids and human wisdom. For without doubt, it must very much help any ruler to understand fully that strength which he is to guide and direct; since he may thereby know how many are fit for war; what hands support the commonwealth by their labour and industry; and what sort of men are idle and useless in it.

This is so far from being a matter of mere speculation, that very many conclusions may be thence drawn, useful and reducible to practice. For if the numbers of the people can be truly stated, if they can be divided into proper ranks and classes, if it can be distinguished who are rich,

rich, who are at their ease, who can barely subsist, and who, by reason of poverty, can contribute little in any tax or aid to the public; if all this can be thoroughly understood, in the laying any kind of tax or imposition, a very near computation may be made, what such a duty should produce to the government, supposing it to be duly collected, and under a good management.

When the different ranks and qualifications of men are divided and stated; when there is a right distinction made between the number of solvent and insolvent persons; when it is known how many pay not to church and poor, how many receive alms, and how many are mere vagrants, a very good judgment may be made what any personal or family-tax ought to yield, still supposing it to be well and carefully levied.

The number of the people leads us to know what the yearly income may be from land, and what from mines, houses, and homesteads, rivers, lakes, meers, ponds; and what from trade, labour, industry, arts and sciences; for where a nation contains so many acres of arable land, so many of pasture and meadow, such a quantity of woods and coppices, forests, parks, and commons, heaths, moors, mountains, roads, ways, and barren and waste land; and where the different value of all this is computed, by proper mediums, it is rational to conclude, that such a part of the people's expence is maintained from land, &c. and such a part from mines, houses, &c. and that such a part is maintained from trade, labour, &c. And the poor exceeding so much the rich in numbers, the common people are the medium by which we may judge of this expence.

There is a certain sum requisite to every one for food, raiment, and other necessaries; as for example, about 10*l. per annum*; but some expending less, and some more, it may not be improper to compute, that the mass of mankind in England expend, one with another, near 10*l. per annum*; from whence it may be concluded, that an annual income of so many millions is needful for the nourishment of such and such a number of people.

And if land with its product will not reach this sum, it is rational to infer, that the rest must arise from trade, arts, and manufactures. And further, when a nation contains such a number of people, skilled in husbandry and the improvement of land, when they have such an extent of territory, and when their acres are, one with another, of such a value, it may be from thence concluded, that the land of this country will produce such and such a sum.

So much of the product of the earth will nourish such a number of the people; and a soil, so and so improved, will yield such a product; and if this be above what the people consume, it follows, that there must be such and such a quantity of goods for exportation.

Such a number of men skilled in maritime affairs, versed in traffic, with variety of ports, dealing to many countries, with such and such a native product to export, and such an acquired stock to turn and wind, must gain so and so by trade.

And if land and trade do not reach the expence in question, it follows, that the rest must arise from arts, manufactures, and the other business of a people.

But if land and its product with what is done at home, is sufficient to nourish such a number of inhabitants, and that they are able besides to export many commodities and manufactures, and that their stock is such as to deal in many goods with foreign people; we may infer, that there is superfluous wealth accruing to such a country by their traffic.

Therefore a right distinction to be made between what part of the people's expences arises from land, &c. and what from trade; and what from arts, labour, &c. must be a good guide to princes and states, in laying any kind of taxes or impositions. Expence must arise from income; and suppose the general income of a nation, from land, trade, arts, &c. should be

Suppose of this, land to be	14,000,000	} 44,000,000
Trade, —————	10,000,000	
And arts, labour, &c.	20,000,000	

And where this is the case, can it be reasonable in taxing the people to lay almost the whole weight upon the twenty-four millions, and to let the other twenty milli-

ons in a manner escape; and yet this must happen, for the whole burden is generally put upon land and trade.

So that such a *political arithmetic*, as could distinguish in all the different parts which compose a nation's wealth, must be very useful and of public service.

The eighth penny raised upon the annual income or expence of England, would have maintained the war of king William a great while, on the footing of five millions a year, if the burden had been laid upon all degrees of men alike, with geometrical proportion; for, in all probability, an *equal* land-tax and moderate duties upon the whole consumption, would have produced such a sum; and if this could have been computed, the landed men had undoubtedly been in a better condition than they are at present, and we had avoided the vast debt, which was a weight upon the king's affairs.

This computing faculty consists in comparing the strength of nations, and in considering their number, power, politics, wealth, trade, shipping, naval force, land armies, and alliances.

But there is in this art a sphere for lower capacities to move in, who can presume no further than to find out and prepare materials, to be made use of by abler hands, and who think it praise enough to them, if they can make tools for skilful artists to work withal.

If general computations had been more studied and improved, those errors relating to the revenues must probably have been avoided, which have so entangled the public affairs.

If some of the men of business had consulted *political arithmetic*, the parliament had not been troubled every session, to make good so many deficient funds, which have loaded England with a heavy debt.

Most undoubtedly, a right skill in this art would be of great use in all considerations relating to the public revenue; for though the number of people could not be certainly fixed, and though the consumption of any commodity could not be truly known; yet he who goes by some rule, though not capable of a mathematical proof, shall seldom err, than he who gropes entirely in the dark, and only follows the suggestions of his fancy.

The projectors of most new funds have hitherto been generally mistaken two parts in three: That art is therefore to be praised, the rules of which, if rightly followed, will shew *a priori* with a small difference, what any branch of the revenue shall produce, making allowance for the difference between war and peace, or any other extraordinary occurrences. In all computations, the number of people is the ground-work; yet that knowledge will be but an uncertain guide, without other helps and directions. For in reckoning what any branch may yield, consideration must be had of the present abilities and condition of the kingdom, of the current cash, and of the disposition of the people to pay the duty. The nature of the commodity likewise to be charged must be considered, whether it be the proper object of a duty, and not easily concealed and evaded, and whether its collection is to be ascertained by high or easy penalties; and whether it is to be come at by a few or many officers; and the law itself, which is to give the duty, must principally be weighed; for if it is to be slackly penned, the branch will answer accordingly. By an universal contemplation of these matters, and by making every where proportionable allowance, in all the foregoing and some other instances, a judgment may be formed, what sum the government may reasonably expect from any new revenue.

And, in computing any new duty, the number of the people will be an uncertain guide to those who do not distinguish rightly, between the rich and the poor of a country; for in most computations, men are led into error, by reckoning and concluding, from what is in view, and just before them. But they who will make a true estimate in things of this nature, must consider the mass of the people together, and not measure the riches of the whole by that plenty and pomp which they see among a few.

He who will pretend to compute must draw his conclusions from many premises; he must not argue from single instances, but from a thorough view of many particulars; and that body of *political arithmetic*, which

is to frame schemes reducible to practice, must be composed of a great variety of members.

He who will arrive at this art must look into all the public revenues; he must understand something of their management; he must not be a stranger to the product and manufactures of every country and place; he must know what goods we export, and what foreign commodities are imported to us; and only from this general view, he must frame any scheme that may be useful to the public. A contemplation of one object shall give him light into things, perhaps, quite of a different nature; for as in common arithmetic, one operation proves another, so in this art variety of speculations are helpful and corroborative of each other.

Nor is the faculty of computing less useful in matters relating to trade, than in what concerns the public revenues.

The councils of a country are always inquisitive after truth, but to hide it from them, and to perplex things which have relation to trade, is the interest of so many, that in the greatest deliberations, wise men are often misled by such as in all their actions consult more their private profit than the common welfare.

There is hardly a society of merchants, but would have it thought, that the whole prosperity of the kingdom depends upon their single traffic.

So that at any time, when they come to be consulted, their answers are dark and partial; and when they deliberate themselves in assemblies, it is too frequently with a bias, and a secret eye to their own emolument.

There is hardly a commerce, but the dealers in it will affirm, we lose all by the rest; when, perhaps, in time of established peace, the kingdom gets by trade in general.

A true account of the balance of trade would set all this right, and shew what traffics are hurtful, and what are beneficial to the nation; and the general balance is not to be accurately found out, but by the aid of *political arithmetic*, and a skill of foreign exchange. And perhaps this art alone can shew the links and chains by which one business hangs upon another, and the dependence which all our commercial dealings have each upon the other.

At first appearance, those traffics seem hurtful which export money; but when we come to reason upon things by figures, we find, that such trades are often beneficial, when they bring in one way more bullion than they carry out another.

We may seem to lose by the balance in one place; but perhaps that trade may be the cause of another twice as profitable; so that to object against the motion of one wheel, without knowing and seeing how the whole engine moves, is to no manner of purpose.

He that would therefore compute with any good effect in matters relating to trade, must contemplate the wealth, stock, product, consumptions, shipping, exportations, and importations of his country; and at the same time he must consider the state and condition of other places.

In this art, the most defective point is, to find good materials, and to have a footing probably sure to fix our reasonings upon; for where our premises can be certain, our conclusions shall be almost undeniable.

It is a great guide in concerns of this nature, to have before us an account of all the exportations from London and the out-ports, to every distinct country; and also of all the importations to London and the out-ports, from every distinct country, and of their values at prime cost, and so downwards. Every commodity should be under a separate head, and the drawbacks upon re-exportation taken due notice of, and the value taken into consideration, where the duty on goods is *ad valorem*. These materials are very helpful in our computations of this kind.

But it would be a further light into the general balance of trade, if we could form a good judgment of that beneficial trade of buying goods in one place, to sell in another country, and what we gain by the articles of freight. If the true state of these matters could be obtained, it would greatly contribute to our information in regard to the general loss or profit made by commerce.

The general posture of our traffic, as well in time of

war as peace, is likewise requisite to be taken into consideration; for by contemplating the various charges in our exports and imports in those different junctures, a judgment may be formed, from *political arithmetic*, how the balance of trade formerly stood, and how it is like to stand hereafter, with the several countries wherewith England has commercial negotiations.

These are the out-lines of the art of *political arithmetic*; and how far this work may contribute to give the reader some knowledge of the art itself, can be known only by those who shall peruse the work throughout; wherein they will find multiplicity of matter, tending to information of this kind.

ARITHMETICAL Complement of a Logarithm, is what it wants of 10,000000. Thus, the arithmetical of complement of 3.219063 is 6.780937.

ARITHMETICAL Mean, is the middle term of three quantities in arithmetical progression. Thus, 7, 9, 11; are three terms in arithmetical progression, whose mean is 9.

ARITHMETICAL Progression or Proportion. See PROGRESSION.

ARM of a Magnet. A loadstone or magnet is said to be armed, when it is inclosed, capped, or set in iron or steel, in order to increase its magnetic virtue, and distinguish its poles with the greater facility.

ARM, in geography, a branch of the sea, or of a river.

ARMADA, a Spanish word, which formerly signified a number of ships of war; but of late years, it not only comprehends a navy composed of ships of war, but a fleet of merchant-men under their convoy.

There is a royal *armada*, or navy, to secure the navigation of the galleons from Old Spain to the Spanish West-Indies.

The laws of trade in Spain direct, that, provided there be no special order to the contrary, two flotas set out, the one for the Terra Firma, the other for New Spain, and the *armada* to convoy them; but this name of *armada* was meant of the admiral and vice-admiral only, which were fighting ships; and, at first, there was one man of war to convoy the rest; her burden being 300 tons, and carrying eight brass cannon, and four iron guns; and the merchant-men, till then, carried 100 tons less than their burden, and thirty soldiers each, because they had no convoy of men of war.

The times appointed for these flotas to sail were, for that of New Spain in May, and that of the Terra Firma in August, both of them being ordered to sail with the first spring tides.

The galleons were appointed to be out in January, that they might coast along the Terra Firma, and arrive about April at Porto Bello, where, the fair over, they might take on board the plate, and be at the Havanna about mid June, where the New Spain fleet was to join them, that they might come the safer together to Spain; to which end, the vice-roy of Peru is to take care, that the plate be at Panama by the middle of March. The plate is fifteen days in carrying from Potosi to Arica; eight days generally from thence by sea to Callao, and twenty from Callao to Panama, taking in, by the way, the plate at Paita and Truxillo.

To prevent the fleet being detained by contrary winds, as has sometimes been the case, it was proposed by the court of Spain to fit out the galleons, in the river of Seville, in August and September, and then send them away to Cadiz, where they might go out with any wind, and need not wait for any spring-tides.

The reasons why it was judged absolutely necessary, that the flota from the Terra Firma should sail in September, were, because that was a safe season to ship off the goods; for, they coming to Porto Bello at a healthy season of the year, their merchandize was conveyed over to Panama at a cheaper rate, and with less danger of receiving damage. Moreover, by this means the merchants had leisure to sell their goods; the buyers had a fit season to travel to Peru with safety; and the armadas and flotas to return to Carthage and the Havanna, to get clear of the channel of Bahama, and to return to Spain in the best month for the seas. In fine, it is found by experience, that the month of September is, all circumstances

circumstances being duly weighed and considered, the fittest for the fleets to sail; and, although several accidents retard them till October or November, yet that season is fitter than March.

ARMADILLA, thus they call, in Spanish America, a small squadron, consisting commonly of six or eight men of war, from twenty-four to fifty guns, which the king of Spain keeps, for preventing foreigners from trading with the Spaniards or Indians, both in time of peace and war. This squadron has even power and orders to take all the Spanish trading vessels, which it meets on the coast, and which have no licence from the king of Spain. There is an *armadilla* both for the South and North Sea: the latter keeps commonly at Carthagena, and the former at Callao, which is the port of Lima, the capital of Peru.

ARMAGNAC, a province in France, is bounded by Languedoc on the east; by Agenois and Condomois on the north; by Gascony, properly so called, on the west; and by Comminges on the south. In this province they make brandy, which they send to Bayonne and Bourdeaux. They trade also in wool and flax. There is a mine of salt in the town of Laverdan, and, at Auch and Mauvesin, they make about eighty or a hundred quintals of salt. The country besides is fruitful in corn and wine.

ARMAMENT, a formidable body of forces, completely furnished with arms, &c. either for the sea or land service.

ARMAN, among farriers, a confection of great virtue in preventing a total loss of appetite. It consists principally of white bread, cinnamon, and honey of roses.

ARMARIUM *Unguentum*, weapon-salve. This ointment was formerly in great repute, and said to cure wounds at a distance, by dressing the weapon only; but, since the introduction of mechanics into physic, such ridiculous absurdities have been banished from the art of healing.

ARMENIA, called also *Turcomania*, a province or division of the Eastern Asiatic Turkey, is bounded on the south by Mesopotamia, on the north by Georgia, on the east by Persia, and on the west by Cappadocia and the Lesser Armenia, from which it is parted by the river Euphrates. Its extent is somewhat above two hundred miles, or from about 38 deg. 20 min. to almost 42 deg. of latitude; and from 39 to almost 42 deg. of east longitude, or about three hundred miles from east to west. The country is very healthy, the climate temperate, and the soil rich and fertile, especially in the midland vallies, but is much taken up with mountains, especially about the frontiers; yet these produce very good pasture, and the rest plenty of corn, wine, and fruits of all sorts. The people, at present mostly Christians, are robust, stout, and industrious; their lands are well cultivated, and several mechanic arts and manufactures are carried on by them to good advantage. The only misfortune is, they lie too much out of the way of trade, to reap all the benefit they otherwise would do, if more commodiously situated for it. However, they employ themselves in weaving of tapestry, and several sorts of stuffs, which they vend abroad: the rest follow agriculture; and one may see with pleasure a great difference between this Turkish province, and some others that appear poor, barren, and desolate for want of culture.

The Turkish inhabitants of this country, though inferior in number to the Christians, are possessed of some of the richest and fairest territories on each side of the Euphrates; but with this difference, that instead of being absolute masters, as they formerly were, they are now tributary to the Ottoman Porte, or rather enjoy a shadow of liberty under it; and hence proceeds their innate hatred against it; for they still adhere to their ancient way of leading a pastoral life in tents, and shifting their habitations. Being naturally addicted to plunder, they would do a deal of mischief to commerce, were it not for the care of the Turkish bashas to keep them in order; for as the tribute paid by the caravans, and the number of passengers, make the most considerable branch of their income, it is their interest to preserve the roads as free and safe as they can. In other respects they wink at many irregularities in their way of life, as their frequent inroads upon the Curdes, the Arabs, and other neigh-

bouring nations that own no subjection to the Porte. These Turks, a hardy race, excellent horsemen, courageous and enterprising, spread themselves likewise towards the east, even into Persia. They are computed all together to amount to about one hundred thousand families.

The name of Armenians is also given to those who were transported into several parts of Persia by Shah Abas; and more particularly to that celebrated colony of Armenians who dwell at Zulfa, one of the suburbs of Isfahan. These Armenians, and in general all those of the same denomination, who apply themselves to trade, which they make their chief business, are civil and polite, and have a great deal of good sense and honesty. They are not only, in a great measure, masters of the whole trade of the Levant, but have also a great share in that of the most considerable towns in Europe; for it is very common to meet with some Armenians at Leghorn and Venice, in England and in Holland; whilst on the other side they travel into the dominions of the Grand Mogul, Siam, Java, the Philippine islands, and over all the East, except China. It is not agreed among the learned, under what Abas, king of Persia, the colony of Zulfa was transported to Isfahan, and settled where it now is. But it is very certain, that Shah Abas the Great, in order to secure the conquest of Armenia, which he had taken from the Turks, removed into Persia the first Armenians who ever settled there; and about thirty thousand families of them were transported into the province of Ghilan only, from whence the finest Persian silks come. He also caused all the inhabitants of Zulfa, a large city of Armenia, to settle at Isfahan, whence the new Zulfa of Persia took its name. This Zulfa is now the center of all the commerce of the Armenians; and it is to the same Shah Abas these people owe their genius and capacity for trade, which did but very little appear till their transmigration into Persia. And as Abas the Great had no other view but to enrich his country, and was sensible he could not compass that design but by the means of trade, he cast his eyes upon silk, as the most precious commodity, and upon the Armenians, as the most proper people to dispose of it. In short, the Armenians, who were but husbandmen, were by him turned into merchants, and these merchants are become some of the most able and most celebrated traders in the world. When thus the trade of the Armenians was sufficiently established, the kings of Persia no longer meddled with it; the citizens of Zulfa alone continued to support it; and by the assistance of their brokers or agents, who are of the same nation with themselves, they distribute through the whole world the finest and richest commodities of Asia. These agents undertake, for a very moderate profit, to conduct the merchandizes to the very places they are designed for, to take care of them during the march of the caravans, to dispose of them to the best advantage they can, and to give afterwards a faithful account to those by whom they are intrusted. It cannot be sufficiently expressed how faithful those agents are, what care they take to preserve the merchandizes they conduct, not fearing even to run the danger of perishing themselves, in order to succour the camels, and other beasts of burden that carry them, at the crossing of rivers, or at the difficult passes of mountains. Their charity for each other is unspeakable; and, when those who are settled in some town are acquainted with the coming of a caravan, they do not scruple to undertake a journey of a day or two, in order to go and meet them, and carry refreshments to their brethren. When the caravans make any stay in towns, the Armenians, to live the cheaper, join several together. In Asia, they sell upon the road hard-wares of Venice, France, Germany, and England, in order to get provisions. In Europe they obtain them for musk and some spice. In a word, there is no nation comparable to them for sobriety, good husbandry and honesty. It is true, indeed, that when their affairs prove unprosperous in those foreign countries where they trade, they seldom return home, not daring, they say, to appear before their creditors, whose confidence they have abused. But it must be owned, that this happens very seldom, it being extremely uncommon to see an Armenian become a bankrupt.

rupt. There is nothing more extraordinary, and at the same time more pleasant, than the manner of striking bargains among the Armenians. They begin with putting money upon the table; after which, they cavil or dispute as much as they can about the price, the buyer and the seller presenting and repulsing alternately the pieces of money which they add to the price offered, or which they abate from the price demanded: this is always done with so much noise and ill humour, that one would think they are going to devour each other. All this, however, is nothing but grimace and affectation; and when the broker, who is always present at this comedy, judges that things are pretty near their value, he squeezes the seller's hand with so much violence, that he makes him cry out, but does not leave him till he accepts the buyer's offer. The farce ends with reciprocal jokes, each laughing on his side, thinking that he has the best of the bargain.

The principal towns in Armenia, which are populous and wealthy, are *Erzerum*, the capital, and *Tocat*. *Erzerum* has a very considerable trade, consisting chiefly in copper plates, dishes, &c. furs, galls, caviar, and madder. The English drive a great trade here, and have a consul, who lives in a very handsome manner.

Tocat is regarded as the center of trade for Asia Minor, where caravans are incessantly arriving or departing; those of Diarbeck are eighteen days coming here, and those from *Erzerum* but fifteen. Those from hence to Sinope are but six days going, and those from *Burfa* twenty. The caravans that go directly to *Smyrna*, without passing by *Angora* or *Burfa*, are twenty-seven days on the road, if with mules; but forty, if camels are the bearers: in fine, here are caravans that go only to *Angora*.

The great trade of this city consists in utensils of copper, as kettles, cups, candlesticks, and lanthorns, which the artisans here work very neatly, and these commodities are sent to Constantinople and Egypt; the copper they make use of comes from the mines of *Gumiscana*, three days journey from *Trebisond*, and from that at *Castamboul*, ten days travel from *Tocat* towards *Angora*.

Here is prepared a quantity of yellow Morocco leather, which is carried to *Samson* on the Black Sea, and from thence to *Calas*, a port of *Valachia*, where is also sent some red ones; but these the merchants of *Tocat* procure from *Diarbeck* and *Caramania*. Painted linens are also a great object of trade here; and though not so handsome as those of *Persia*, yet the *Muscovites* and *Crim Tartars*, for whom they are designed, are contented with them; and the commerce of silk is not inconsiderable here, though that of the growth of the place is all worked up here in slight silk stuffs, sewing silk, and buttons.

ARMENIAN Bole, is an earthy substance, of a pale yellowish colour, inclining somewhat to red. It is ponderous, pinguious, easily friable, and of a styptic taste. It is digged out of the mines in *Turkey*, and thence brought to us. At present, it is very rare with us; for what is found in the shops, approaching to the colour of red oker, is imported from *Spain* and *Normandy*, and is thought to be little different from the *rubrica sycopica*. It is an alexipharmic, and corrects those acidities in the blood which are prejudicial to health. It is astringent in some degree, and, for that reason, used in fluxions of humours. When applied externally, it is of a drying quality, and induces cicatrices on wounds. *Dale.*

ARMORINGS in a ship, are the same as waste cloaths, which are red cloaths hung about the outside of a ship fore and aft; there are also some hung round the tops, and these are called *top-armorings*.

ARMOISIN, a silk stuff, or kind of taffety, of an indifferent goodness, made at *Lions*, at several places in *Italy*, and in the *East-Indies*. There are *demi* or *half-armoisins* made at *Avignon*, which are of an inferior quality and less price than the others. They manufacture also *armoisins* with three threads. The *armoisin* of the *Indies* is slighter than those made in *Europe*, and of an inferior quality. Their colours, and particularly the crimson and red, are commonly false, and have little or no gloss or lustre.

There are two sorts of them, the *arains*, which are

taffeties, either striped or checkered; and the *damaras*, or flowered taffeties. Their length is from seven French ells to twenty-four, and their breadth from $\frac{7}{8}$ to $\frac{3}{4}$ of an ell.

The *Indian armoisins* have sold at *Amsterdam* from eighteen to twenty guilders per piece. When not bought of the company, that is, at second hand, one may stipulate to pay for them either in current or bank-money, or to deduct the difference.

The *armoisins* of *Lucca* have sold at *Amsterdam* from seven to nine sols de gros per ell. They who sell them again buy them by deducting the interest of the money for eighteen months, as not being obliged to pay for them till those months are expired; they also deduct one per cent. for prompt payment.

But, when they sell them to retailers, they deduct but two per cent. upon the whole for prompt payment; that is, they are allowed so much discount for the payment of ready money.

It must be observed that all the silks of *Italy* are sold after the same manner.

ARMONICAC, erroneously so written for *AMMONIAC*, which *see*.

ARMOUR, a strong defensive covering for the body. Armour, bandeliers, bridle-bits, halbert-heads and sharps, holsters, musquets, carbines, fowling-pieces, pistols, pike-heads, sword or rapier-blades, saddles, snaffles, stirrups, calve-skins dressed or undressed, geldings, oxen, sheep-skins dressed without the wool, and all sorts of manufactures made of leather, may be exported by any persons. 12 Car. II. cap. 4. sect. II. See *AMMUNITION*.

ARMOURER, he that makes arms. Of this trade there are very few in number; there are however some, who are employed in making skull-caps and breast-plates for our troops of horse: the company of this name is therefore united with the braziers. They commonly take about fifteen or twenty pounds with an apprentice. Their hours of working are from six to eight; and a journeyman has from fifteen to twenty shillings a week.

ARMOURY or *ARMORY*, a magazine or store-house, wherein arms and other warlike stores are deposited. See *ARSENAL*.

ARMS. Under the definition of arms, are comprehended not only all offensive and defensive weapons, but also all the warlike ammunition, which of all other merchandize that can possibly be taken into a ship, are the most hazardous, being more strictly contraband than any other article of commerce, the exportation, and clandestine importation, being strictly forbidden in all countries, and in many the exportation is attended not only with confiscation of ships and cargo, but with heavy fines and imprisonment: yet the Dutch are notorious for carrying on a contraband trade of this sort in time of war, equally furnishing their allies, and their secret enemies with warlike stores. Arms, ammunition, or gunpowder, may be prohibited to be exported at the king's pleasure, 12 Car. II. cap. 4. sect. 13. See *AMMUNITION*.

ARMY, a formidable number of soldiers completely armed, consisting of horse and foot, with artillery, ammunition, provisions, &c.

An army should be under the command of one general, having under him a lieutenant-general, a major-general, brigadiers, and other officers.

An army is composed of squadrons and battalions, and is generally divided into three corps, and formed into three lines. The first line is called the van-guard; the second, the main-body; and the third, the rear-guard, or body of reserve. The middle of each line is possessed by the foot; the right and left wings are composed of the cavalry; and sometimes squadrons of horse are placed in the intervals between the battalions. When the army is drawn up in order of battle, the horse are placed at five feet distance from each other, and the foot at three. But the file contracts in the shock, and its front lessens almost to one half. In each line, the battalions are at about a hundred and eighty feet distance from each other, which is nearly equal to their front, viz. three hundred feet. These intervals are left for the squadrons and battalions of the second line, to range themselves against the intervals of the first, that both may more readily march through these spaces to the enemy. The first line is usually

usually three hundred feet distant from the second, and the second six hundred from the third; that there may be sufficient room to rally, when the squadrons and battalions are broken. *Savin's Nouv. Ecol. Milit. pag. 266.*

ARNICA, *Lin. Gen. Plant. 784. Dorenicum. Baub. Pin. 184.* leopards-bane. There are three species of this plant; but that which is brought into England for medicinal purposes, grows naturally upon the Alps, and also upon many of the mountains in Germany, and other cold parts of Europe, and is greatly esteemed by the Germans for contusions and other medicinal qualities, among whom it is prescribed by this title of *arnica*. It is also ranged among the medicinal plants in many dispensaries, by the title given to it by Caspar Bauhin.

AROBÉ, or **ARROBE**, in Spanish *arroba*, and in the language of Peru *arroze*, is a weight used in Spain, Portugal, at Goa, and throughout all Spanish America. The Portuguese use it also in Brazil, where, as well as at Goa, it is sometimes called *arate*. All these *arobes* are scarce any other way like each other but in name, being very different in weight, and in their proportion to the weights of other countries.

The *arobe* of Madrid, and almost over all Spain, except Seville and Cadiz, weighs twenty-five Spanish pounds, which do not make quite twenty-three pounds and a quarter Paris weight; so that the common quintal, which is of four *arobes*, makes but ninety-three pounds Paris weight.

The *arobe* of Seville and Cadiz is also of twenty-five pounds, but these make twenty-six pounds and a half at Paris, Amsterd.m, Strasburgh, and Befançon, where the pound is equal; four *arobes* make the common quintal, that is, a hundred pounds; but there must be six *arobes* to make the quintal of Macho, which amounts to a hundred and fifty pounds Seville and Cadiz weights, which may be reduced to the Paris weight upon the foot of the reduction of the *arobe* of those two cities made above.

The *aroue*, or *arobe* of Peru, weighs twenty-five pounds French weight, and is chiefly used to weigh the herb Paraguay, of which the Spaniards and the Indians, who used it like tea, make so great a consumption, that there is wanted for Peru alone above seventy-five thousand *aroues* yearly. See **PARAGUAY**.

The *arate*, or Portuguese *arobe*, weighs much more than the Spanish, being thirty-two pounds of Lisbon, which amounts to near twenty-nine pounds Paris weight. An hundred pound, of England corresponds with ninety-one pounds eight ounces of Paris and Amsterdam, reckoning sixteen ounces to the English pound.

AROMATICS, all fragrant things in general, whether spices, herbs, flowers, seeds, or roots. It is remarkable that *aromatics* or spices preserve animal substances from putrefaction; and that providence has taken care to furnish warm climates with plenty of *aromatics*, which the inhabitants make frequent use of, and probably thereby check that spontaneous tendency to putrefaction, to which the heat inclines them.

AROMATITIS, in natural history, a bituminous substance, in colour and smell resembling myrrh, whence it derives its name; it is found in Arabia and Egypt. *Gorraus.*

AROUÉ. See **AROBÉ**.

AROUGHCAIN, an animal found in Virginia, which intirely resembles the beaver, except that it feeds and leaps upon trees like the squirrel. The English value its fur pretty much, which makes a branch of their trade with the Indians who live near their colony.

AROURA, in antiquity, a Grecian measure consisting of 5000 square Grecian feet, being half the plethron, and equal to 5073 English square feet, and 1825 decimal parts. The Egyptian *aroura* was equal to 10,000 square cubits, or 332 English square feet, and 76 decimal parts. *Arbutnot.*

ARPEN, or **ARPENT**, an acre or furlong of ground; the most ordinary one called *l'arpent de France* is one hundred perches square, after twenty-two feet to the perch by the king's ordonnance of August the 13th, 1669. Some account it but half an acre. This word is often used in *Domesday*, where *arpen* seems to be some quantity

less than an acre. Hence *arpentator* is used for a measurer of lands. *Cowell. edit. 1727. See ACRE.*

ARQUEBUSE, or **HARQUEBUSE**, a fire-arm, of the same length with a fusée, or musquet, which is commonly cocked with a spring-lock. This kind of arms was formerly very much used both in war and for hunting; but, at present it is hardly any otherwise used than for the defence of besieged places.

ARQUIFOUX. See **ALQUIFOUX**.

ARRAC, or **RAC**, is an excellent spirituous liquor, which the English get from Batavia or Ma'acca to make punch. The Chinese are those whose make *arrac* in the Indies by distillation, and this of three sorts, extracted, the one from the cocoa-tree, the second from rice, and the third from sugar. The first is the best, and most in use. They make it of the liquor which issues from the blossom-bunch of the cocoa-tree. For which purpose they tie the bunch, whilst still wrapped up within its membrane, with a piece of packthread, and then with a knife they make a cross-cut in that bunch, a little above the place where it is tied, and adapt a pitcher to it, to receive the liquor, which is vinous, palatable, and sweet. It is called *tonac*, or *fouri*. Others use a bamboe-cane instead of a pitcher. Having thus drawn the liquor, they let it ferment, and afterwards distil it to make *arrac*. They have a prodigious demand for it all over the East-Indies.

The Dutch also import some into Holland. It is something sweeter, and less intoxicating than common brandy; for which reason the English think it more fit to make punch.

The nature and composition of this celebrated liquor has been much controverted. Mr. Lockyer tells us, that the name of *arrac* is an Indian word for strong waters of all kinds; for they call all our spirits and brandy, English *arrac*. But what we understand by the name *arrac*, is really no other than a spirit procured by distillation from a vegetable juice called *toddy*, which flows by incision out of the cocoa-nut tree, like the birch-juice procured amongst us.

The *toddy*, adds Mr. Lockyer, is a pleasant drink by itself, when new, and purges those who are not used to it; and when stale, it is heady, and makes good vinegar. The English at Madras use it as leven to raise their bread with.

Goa and Batavia are the chief places for *arrac*. At Goa there are divers kinds; single, double, and treble distilled. The double distilled, the sort which is commonly sent abroad, is but a weak spirit in comparison to Batavia *arrac*; yet, on account of its peculiar and agreeable flavour, it is preferred to all other *arraes* of India. This is attributed to the earthen vessels they use at Goa to draw the spirit, whereas at Batavia they use copper stills.

The Parier *arrac* made at Madras, and the Columbo and Quilone *arrac* at other places, being fiery hot spirits, are but little valued by the Europeans, and therefore seldom imported, though highly prized among the natives.

Arrac is likewise a kind of spirituous liquor or brandy, made by the Tartars of Tungusia, subject to the czar of Muscovy, from mare's milk, which is left to sour, and is afterwards distilled twice or thrice, between two earthen pots closely stopped, whence the liquor runs through a small wooden pipe. This liquor is very strong, and intoxicates more than brandy distilled from wine.

Arrac, rum, brandy, spirits or strong waters, or other excisable liquors, coffee, tea, cocoa-nuts, chocolate, and cocoa-paste, on board a ship within the limits of any port of Great-Britain, or found unshipping or unshipped before entry, may be searched for and seized, together with the package, by the officers of excise, in like manner as by the officers of the customs. 11 Geo. I. cap. 30. sect. 1.

Arrac, brandy, rum, spirits or strong waters, foreign, upon an excise-officer's oath of suspicion of concealment, made before the commissioners, or a justice of the peace, they may empower him to enter such suspected places, and seize the liquors, with the casks, &c. Officers obstructed, the penalty 100l. 11 Geo. I. cap. 3. sect. 2.

Arrac, whether British or foreign, not to be sold but in warehouses, &c. entered as directed by 6 Geo. I.

cap. 21. upon forfeiture, and the casks, &c. 11 Geo. I. cap. 30. *sect.* 10.

Arrac, brandy, rum, spirits or strong waters, coffee, tea, and cocoa-nuts; permits granted for the removal, not returned, or the goods sent away within the time limited, the penalty treble the value. 11 Geo. I. cap. 30. *sect.* 10.

Permits not returned, and the decrease not found to be sufficient, the like quantity forfeited. 11 Geo. I. cap. 30. *sect.* 10.

Permits not to be taken out by direction in writing of the proprietor of the stock, or his known servant; upon forfeiture of fifty pounds, or three months imprisonment. 11 Geo. I. cap. 30. *sect.* 10.

Arrac, brandy, rum, or other spirits, or tea offered to sale by any person without a permit, or by any hawker, pedlar, &c. with a permit; the person to whom it is offered may seize and carry it to the next warehouse, belonging to the customs or excise, and bring the person offering the same before any justice of the peace, to be committed to prison, and prosecuted for the penalties incurred for such offence. 9 Geo. II. cap. 35. *sect.* 20. The person seizing such goods may prosecute in his own name, and on recovery, is intitled to a third part of the gross produce of the sale. And the commissioners are, if desired, upon a certificate from the justice of the offenders being committed to prison, to advance to the seizer 1s. per lb. for the tea, and 1s. per gallon of brandy so seized.

Arrac, &c. foreign brandy, rum, or other spirits in casks under sixty gallons, (except for the use of the seamen two gallons each) or six pounds of tea found in any ship, or vessel arrived from foreign ports, at anchor hovering within the limits of any port, or within two leagues of the shore, and not proceeding on her voyage (unless in case of unavoidable necessity and distress of weather, notice whereof must be given to the collector, or chief officer of the port, upon the ship's arrival) is forfeited, with the boxes, casks, and other package, or the value thereof. 9 Geo. II. cap. 35. *sect.* 22.

No brandy, *arrac*, rum, geneva, strong waters, or other spirits whatsoever, brought into Great-Britain, in any cask which doth not contain at least sixty gallons of such liquors respectively, shall be reported for exportation, or exported to foreign parts. 28 Geo. II. cap. 21. *sect.* 1.

Arrac, imported from any of his Majesty's colonies in the East-Indies, is, by 7 Geo. II. cap. 14. *sect.* 1. to pay the same subsidies, duties, and excise, as brandy and other foreign spirits, and the like allowance is to be made on exportation. See BRANDY.

ARRAGON, in Spain, is the next kingdom in dignity to that of Navarre. It is bounded on the north by the Pyrenees, which divide it from France; on the west it has Navarre, and New and Old Castile; on the south the kingdom of Valencia; and on the east, part of Valencia, and the principality of Catalonia.

The country is mountainous, but full of delightful vales, and extraordinary fertile, which produce great plenty of wheat, wine, oil, saffron, and fruits of the most delicious kind. They breed also great numbers of cattle, and abound with all sorts of fowl, both wild and tame.

The mountains are said to have mines of gold, silver, and other metals, but little is made of any of them, except iron. Here are likewise very considerable rivers, and plenty of good fish; the most remarkable river is the Turio, which fertilizes a great part of the country, not by an overflow like that of the Nile, but by its slow and gentle course, which gives opportunity to the husbandman and gardener to cut channels from it to water their lands; inasmuch that we are told, their trees bear fruit three, and often four times in the year; and not only in great plenty, but in such variety, that they reckon no less than four hundred sorts produced in this kingdom. Their orchards, gardens, and pasture-grounds, are likewise much admired for their continual verdure and fertility.

Zaragoza, or Saragossa, is the metropolis of this kingdom, and is rich and populous, and carries on a great commerce, and a considerable number of trades and

manufactures, both within and without the walls.

Terrazana is another city in this kingdom, which carries on a considerable trade, much in the same way as Saragossa does.

Val de Tena, or *Sallent*, is a remarkable town in the very heart of the Pyrenees. Here is a large traffic carried on in the produce of the country all the summer, though the great quantities of snow which cover these mountains, make the country impassable near six months in the year. Their trade is occasioned by two passes leading into France, the one on the west, over the river Gallego, towards Beam in Gascony, and the other on the east over a cleft of the mountain Forqueta.

ARREARS, or ARREARAGES, is taken for money unpaid at the due time, as rent behind; the remainder due on an account, or of a sum of money remaining in the hands of an accountant: it likewise signifies what remains unpaid of pensions, taxes, or any other money payable yearly, or at a fixed term.

ARREST, signifies a restraint of a man's person, depriving him of his own will and liberty, and binding him to become obedient to the will of the law; and it may be called the beginning of imprisonment. Cowell.

An *arrest*, in a civil case, is the apprehending or restraining one's person by process, in execution of the command of some court, or officer of justice. Wood's *Inft.* 575.

Magna Charta, cap. 29. None shall be taken, imprisoned, or disseized of his freehold, but by judgment of his peers, or according to the law of the land.

Seamen in the king's service are privileged from *arrests* for debts under twenty pounds. 1 Geo. II. cap. 14. *sect.* 15. 14 Geo. II. cap. 38. *sect.* 3.

Soldiers or marines not liable to *arrests* for a debt of less than ten pounds. 30 Geo. II. cap. 6. *sect.* 64. 30 Geo. II. cap. 11. *sect.* 37.

Peers of the realm, and members of Parliament may not be *arrested*, unless it be in criminal cases; but the process against them is to be summons, distress infinite, &c. 12 Will. III. cap. 3.

An *arrest* may be by night or day. 9 Rep. 66. except on the Lord's day, and then even an *arrest* will hold good in cases of treason, felony, or breach of the peace. Stat. 29 Car. II. cap. 7.

Corporations and companies must be made to appear by *distringas*, and cannot be *arrested*. Finch 353. 3 Salk. 46.

Persons attending upon any courts of record, on business there, are to be free from *arrests*. 3 *Inft.* 141.

The king cannot command any one by word of mouth to be *arrested*; but he must do it by writ, or order of his courts, according to law: nor may the king *arrest* any man for suspicion of treason, or felony, as his subjects may; because if he doth wrong, the party cannot have action against him. 2 *Inft.* 186.

The person of a bankrupt is not liable to *arrest* for debt, or escape-warrant, in going to, staying with, or coming from the commissioners or assignees, if he attend in obedience to any notice or summons from them; but on producing such notice or summons, he shall be discharged. And if, after such summons shewn, any officer shall detain such bankrupt, he shall forfeit five pounds *per diem* for the bankrupt's use. Stat. 5 Geo. II. cap. 30. *sect.* 5.

ARRESTO *facto super bonis mercatorum alienigenorum*, a writ which lies for a denizen against the goods of aliens found within this kingdom, in recompence of goods taken from him in a foreign country, after denial of restitution. Reg. Orig. 129. This the ancient civilains called *clarigatio*; but by the moderns it is termed *reprehensio*. Cowell.

ARSCHEIN, a long measure, used in China to measure stuffs. It is of the same length with the Dutch ell, which is of two feet eleven lines, and amounts to $\frac{3}{4}$ of a French ell. So that seven *arscheins* of China make four ells of France.

The ell of Amsterdam makes $\frac{3}{4}$ of a yard of London, so that four ells of Amsterdam, or four *arscheins* of China, make three yards of London. To reduce the *arscheins* to the yard of London, you must say, If four *arscheins* make three yards, so many *arscheins* (thirty for instance) how many yards will they make? Answer 22 $\frac{1}{2}$. And, in order to reduce the yards into *arscheins*, say, if three yards make

make four *arschins*, so many yards (as thirty-five for instance) how many *arschins* will they make? *Answer*, 46 $\frac{2}{3}$.

ARSENAL, a place where all kinds of warlike stores are kept in fortified towns.

ARSENIC, a metallic sulphur, is of three sorts, *white*, *yellow*, and *red*. The *white* is a ponderous, hard, compact, solid, transparent, glassy substance, procured by subliming flowers of *cobalt* from a certain portion of pot-ashes. Henckel relates, *Pyritolog. oder Keils-historie, das zehnte capitel*, p. 602, that it is sometimes, though exceeding rarely, found native in the earth, pure, clean, and of a snowy whiteness.

White arsenic exposed to the air, changes its transparency for an opaque milky colour. It is not inflammable; but intirely evaporates in the fire, in a white smoke, smelling like garlick. Dr. Mead observes in his *Mechanical Account of Poisons*, that *white arsenic* is totally soluble in water; if one part of it be sufficiently boiled in fifteen parts of distilled or rain water, that it gives, upon evaporation, salts of triangular planes, which unite into octoedral crystals; and that in these either beat to powder, or dissolved by boiling, metallic globules, resembling those of quicksilver, are plainly discoverable by the microscope.

Yellow arsenic is prepared by subliming *white arsenic*, with the addition of a tenth part of sulphur. This is splendid, but not so transparent as the white, and not unlike a metallic yellow glass.

The *red arsenic* differs from the yellow only in this respect, a greater quantity of sulphur is added, together with a particular kind of red cobalt, called *kupfer-nickel*.

Orpiment, a species of *arsenic*, is a mineral substance, composed of small scales or leaves, like talk, said by some to be found in the mines of gold, silver, and copper; by others in particular mines and veins in Greece and Hungary, unmixed with any other mineral. It is of three different colours, of a bright, shining, golden colour, a vermilion red, intermixed with a deep yellow, and a green with a whitish yellow. *Orpiment* exposed to the fire in an open vessel, melts and emits a flame, not so blue as that of brimstone. As soon as it is melted, it appears of a deep red colour; and when poured out into a thin plate and cold, does not ill resemble, in colour and transparency, a garnet; this is the *sandaracha Græcorum*, Hoff. *Observat. Chymico Phys. lib. iii. obs. 1*. Kept in the fire for some time, it evaporates: the purer sorts scarce leave any perceptible feces. Sublimed in a glass vessel, some whitish flowers first arise, which are soon followed by others of a deep yellow, inclining to an orange-colour; and at length by red flowers, which not rising so high as the others, are melted, by the nearness of the fire, into a transparent red substance like that above-mentioned. Geoffroy relates, *Mat. Med. tom. i. p. 185*, that the taste of *orpiment* is acrimonious; but it did not appear so to Dr. Lewis upon trial; and Hoffman says expressly it has no taste. *Orpiment* has (as the last-mentioned author rightly observes) for a long time been reckoned in the class of poisonous minerals, and looked upon as a species of *arsenic*; although in its crude form it does not seem to contain any thing of virulency. It has been given to dogs in a considerable quantity, without proving either emetic or purgative, or producing any of those fatal effects which are usually attributed to it: but after it has undergone the action of fire, it really acquires a caustic and poisonous quality.

Orpiment and *yellow arsenic* having been looked upon as the same thing, the poisonous quality of the latter has been oftentimes attributed to the former. The celebrated author above-quoted compares *orpiment* to antimony, which taken in its crude and native form, has no virulent effect; but which, as soon as it is stript, by fire, of its sulphureous covering, becomes a most violent emetic, &c. In the same manner, says Hoffman, *orpiment* may be taken crude, without any harm; but it is far from being harmless, when its parts have been once separated by fire.

Arsenic serves to make *zaffera*, used by potters in giving a blue colour to their vessels; and the *encaustum caruleum*, or that kind of blue sometimes used by painters, and often by women to mix with their starch, for whitening and stiffening linen.

Arsenic is a powerful corrosive, and reckoned among the strongest poisons.

ARSON, is *house-burning*, which is felony at common law. 3 *Inst.* 66. It must be maliciously and voluntarily, and an actual burning; not putting fire only into a house, or any part of it, without burning; but if part of the house is burnt; or if the fire doth burn, and then goeth out of itself, it is felony. 2 *Inst.* 188. H. P. C. 85. The burning of a frame of a house, is not accounted house-burning, because the frame of a house cannot come under the word *domus*, which is necessary in every indictment for *arson*; and it must be the house of another; for if a man burns his own house only, though with intention to burn others, it is not felony, but a great misdemeanour, punishable with fine, pillory, &c. If a house is fired by negligence or mischance, it cannot amount to *arson*. 3 *Inst.* 67. H. P. C. 85. where one burns the house of another, if it be not wilful and malicious, it is no felony, but only trespass: therefore if A shoot unlawfully in a gun, at the cattle or poultry of B, and by means thereof sets another's house on fire, this is not *arson*; for though the act he was doing was unlawful, yet he had no intent to burn the house. 1 *Hale's Hist.* P. C. 569. By *stat. 25 Hen. VIII. cap. 11.* burning of houses or barns wherein any corn is, is felony without benefit of clergy. And the *stat. 22 and 23 Car. II. cap. 7.* makes it felony to set barns, stables, stacks of corn, hay, &c. on fire in the night-time, or any out-houses or buildings; but the offender may be transported for seven years. By 6 *Ann. cap. 31.* servants through negligence or carelessness setting on fire any dwelling-house or out-house, shall forfeit 100*l.* to be levied by warrant of two justices, and paid to the churchwardens of the parish, to be distributed to the sufferers by the fire; or on default shall be sent to the house of correction, and there kept at hard labour eighteen months, &c. By 9 *Geo. I. cap. 22.* (made perpetual by 31 *Geo. II. cap. 24.*) setting fire to any house, barn, or out-house, or to any hovel, cockmow, or stack of corn, straw, or wood, is made felony without benefit of clergy. See BURNING.

ARSURA, the trial of money by fire after it was coined. In *Domesday* we read, *reddit 50*l.* ad arsuram*, which is meant of lawful and approved money, whose alloy was tried by fire. *Cowell. ed. 1727.*

ART, a system of rules, which, being carefully observed, render our undertakings successful, advantageous, and agreeable. *Arts* are divided into *liberal* and *mechanical*.

Liberal Arts, are those which are cultivated by the ingenious, without any regard to lucre arising therefrom. — As poetry, music, painting, rhetoric, navigation, &c.

Mechanical Arts, are those which require labour, and depend more upon the hand than the mind; and which are cultivated chiefly for the profits which result from them. These are more generally known by the name of *trades*.

ARTEMISIA, *Mugwort*, so called according to some, from *Artemisia*, wife of Mausolus, king of Caria, who brought this plant into use, and adopted it as hers; whereas, before, it was called *Parthenis*, the virgin goddess being feigned to have given that name to it, because good for the diseases of women.

The *moxa*, so famous in the eastern countries for curing the gout, by burning it on the part affected, is the *lanugo*, or down, which is on the under part of the leaves, of a sort of mugwort, supposed to be different from our common sort; but the dried samples, which have been brought to England, appear to differ in nothing but the size of the plant, that being much less; and it may well be supposed, that the soft down of the common sort, or of any other plant, will answer the purpose full as well.

ARTICLE, a small part of an account contained in the journal, invoice, &c. Thus it is said, such an account contains so many articles of debtor, and so many of creditor. The memorial, the invoice of the merchandizes I have sent you contains so many articles, which amount to so much.

An able book-keeper ought to be very exact in posting into the ledger, to every one's account, either as debtor or creditor, every article that has been set down in the journals and cash-book, &c.

ARTICLE is also said of the clauses, terms, and conditions, agreed upon in partnerships, bargains, and treaties, and also of the things adjudged or determined by arbitrators. In this sense, they say, it is agreed by such an article of our partnership, that the house-rent shall be paid out of the common stock. In the bargain we have made together there is an article, by which you are bound to such a thing. This is according to an article of our treaty. Our arbitrators have determined such an article in my favour.

ARTICLES between a captain of a privateer and his crew. [The following are such articles of agreement as were commonly entered into by the captains of privateers in the late war and their crews, which we publish as a copy for our readers to have recourse to, in case any future rupture should render it useful.]

Articles agreed between captain A. B. commander of the private man of war, called the *Terrible* (with twenty guns mounted, carrying nine pound shot, twenty brass pateraroes, four mortars, and some wall pieces, manned with two hundred men, now lying at Church-hole, designed to cruise against the French and Spaniards) on the one part, and the said ship's crew on the other, witnesseth,

1. That the said captain A. B. for himself, and in behalf of the owners of the said ship *Terrible*, shall put on board her, great guns, swivels, powder, shot, and all other warlike ammunition necessary for them; as also small arms, and provisions sufficient for the said ship's company for a six months cruise at sea, from their sailing from the Downs; in consideration of which, the owners, or their assigns, shall be reimbursed (out of the first prize or prizes taken by the said ship *Terrible*, before any dividend is made thereof) the whole charge of warlike stores (great guns and small arms excepted) victualing, advance-money, and the expenses the owners are at for the surgeon's chest, and a set of musick; after which one half of the net proceeds of such prize or prizes as shall be taken, to be for the account of the owners, and at the disposition of the managers; and the other half of such net proceeds to the sole property of the ship's company; the captain's share of which to be fix (in some eight) *per cent.* and the residue to be divided in the proportions mentioned in the eleventh article of these presents.

2. That for preserving a decorum on board the said private man of war, no man is to quit, or go out of her, on board of any other vessel or vessels, or on shore, without leave obtained of the commanding officer on board, under the penalty of such punishments as shall be esteemed proper by the captain and officers.

3. That it shall be intirely in the captain's power to cruise where he shall esteem most beneficial, for the interest of the owners, and ship's company. (*In some it is, to cruise where the managers, and in others, where the owners shall direct.*)

4. That if any person be found a ringleader of mutiny, or causing a disturbance on board, refuse to obey the command of the captain and officers, behave with cowardice, or get drunk in time of action, he or they shall forfeit his or their share, to be divided amongst the ship's company; and be otherwise punished according to law.

5. That all cloaths, bedding, watches, and rings in wear, buttons, buckles, and what else is deemed small plunder by custom, is to be divided amongst the ship's company, according to their several stations, the captain not to interfere with them; the cabin utensils in present used for the commander.

6. If any person shall steal, or convert to his own use, any part of the prize or prizes, or be found pilfering any money or goods, and be convicted thereof, he shall forfeit his share to the ship and company.

7. The captain has the power of taking out of any prize or prizes, whatever stores he may judge necessary for the ship *Terrible*, without paying for them; provided the prize is not disabled thereby.

8. That whosoever first spies a sail, which proves to be a prize, shall have seven pounds, (*in some only one guinea, in others five*) and the first man proved to board a prize before the strikes, shall have a gratuity of ten

pounds, (*in some ten, and in others fifteen guineas*) for his bravery, to be deducted out of the gross sum of the prize.

9. That if any private man shall lose a leg, arm, or eyes, in time of action, or in the ship's service, he shall, besides the advantage of Greenwich hospital, have a gratuity of twenty-five pounds, and in proportion to the officers, exclusive of shares, (*in others only twenty pounds to a private man, fifty pounds to the captain, forty pounds to the first lieutenant, and thirty pounds to each of the other lieutenants, master, and surgeon*) the said sums to be deducted out of the gross sum of the prize; and in case of mortality under cure, the said gratuity and shares to be made good to their assigns.

10. That for the farther encouragement of the said private man of war's company, it is agreed, that the chief officers shall have six guineas, the petty officers and able seamen five guineas, able-bodied landmen three guineas, and boys one guinea, advanced to them in the *Hope*, (*in some, the officers and seamen have only five guineas, and the landmen two.*)

11. That the half of the net proceeds of all prizes, taken by the ship *Terrible*, which is appropriated to the ship's company, be divided amongst them in the manner following, after the captain's fix or eight *per cent.* (*as shall be agreed*) is taken thereout, as above.

When the captain has not the above-mentioned fix or eight *per cent.* but divides with the ship's company, he commonly has twelve shares, as follows, viz.

Shares.		Shares.	
The captain	12	The armourer	1½
The first lieut.	5½ to 6	The midshipmen,	
The second lieut.	4½ to 6	to each	1½ to 2
The third lieut.	3½ to 5	The quarter-masters, to	
The master	3½ to 5	each	1½
The first mate	3 to 4	The quarter-gun-	
The second mate	2½ to 2	ners, to each	1¼ to 1½
The surgeon	3 to 4	The corporals, to	
The surgeon's mate	2½ to 2	each	1¼ to 1½
The lieut. of ma-		The sail-maker	1½
rines	3 to 4	The yeoman of the pow-	
The Gunner	3	der-room	2
The gunner's mates, to		The ship's steward	2
each	2	The captain's ditto	1½
The carpenter	3	The master of languages	1½
The carpenter's mates,		The captain's clerk	2
to each	2	The ship's cook	1½ to 2
The boatwain	3	The captain's ditto	1½
The boatwain's mates,		The able seamen,	
to each	2	to each	1½ to 1
The purser	3	The able landmen, to	
The cooper	1½ to 2	each	¾ to 1
The music, to each of		The sea-boys, to each ½ or ¾	
them	2	The land-boys, to	
The caulker	2	each	½ to ¾
The master at arms	1½ to 2		

12. That on the death of the captain, the command to devolve on the next officer, and so in rotation; and for the encouragement of the able seamen and others, on the loss of officers, they are to be replaced out of the ship's company, according to their gallant behaviour, as the captain shall appoint.

13. That whoever deserts the said ship *Terrible*, within the time here under-mentioned, shall forfeit his prize-money to the owners and company, to enable them to procure others in their room.

14. All and every one on board do covenant and agree to serve on board the said ship *Terrible*, the term of six months, beginning at the said ship's departure from the Downs.

15. And lastly, for the true performance of all, and every the afore-mentioned covenants and agreements; each, and every of the said parties, do bind themselves, their heirs, executors, and administrators, in the penal sum of five hundred pounds, lawful money of Great-Britain, firmly by these presents: in witness whereof, the said parties to these presents have severally set their hands and seals, the day of _____ in the year of our Lord _____ and _____ year of the reign of our sovereign lord king _____

See PRIVATEERS.

ARTI-

ARTICLES, *before marriage, their validity in case of bankruptcy.* Marriage bonds are frequently given before the espousals, by persons who are engaged in trade or business, and where it would be inconvenient to lay out the portion in land, because the woman's fortune is supposed to be added to the husband's, and to be invested in the stock in trade, in order to be there managed by the husband for the mutual support of themselves and their children.

And these bonds must be given to two trustees, to be named and appointed by the intended wife, or one of them by her, and the other by the man, and according to the portion or fortune, which the woman brings her husband, the husband binds his heirs, executors, and administrators, within a certain time after his decease, to pay the trustees, or the survivor of them, or the executors or administrators of such survivor, the sum agreed upon between them in trust, and for the sole use and benefit of the wife, in case she shall survive him; or part for the wife, and part for the children, as the parties shall agree between themselves; and in case the wife shall not survive the husband, and there shall be no children, then the bond is usually declared to be void.

The reason of giving this bond to trustees, is in order to support the demand against the estate of the husband; and it is effectual against his real, as well as personal estate; but it must not be made to the intended wife in her name, before marriage, because upon the marriage, the husband and wife are become one person in law, and whatever securities might be given to her before marriage, unless they were supported by trustees, would, on such marriage, revert back again, and be merged in the husband's fortune, and be unsafe for the wife.

A marriage-bond is of no greater effect and force than any other bond-debt; but as the wife is frequently executrix to her husband, and the law usually throws the right of administration upon her, whenever she is either executrix or administratrix, she, as well as any other executor or administrator, has a right to pay her bond-debt first, and preferable to all other bond debts, or debts of an equal or inferior degree.

But if the husband becomes bankrupt in her life-time, this has been adjudged to be such a contingent or uncertain debt, that her trustees cannot come in as creditors to prove such debt under such commission, which the following cases will illustrate.

A husband who was a trader (in consideration of a marriage, and of a portion) gave a bond to his wife's trustees, to leave the wife (if she survived him) a thousand pounds. The obligor became a bankrupt; and it was objected, that in Lord Cowper's time, it had been ordered, in case of bond given on so valuable a consideration, that the money computed upon the distribution to be the share of the obligee in this bond, should be put out at interest, and the creditors have such interest during the life of the husband, the bankrupt; and if the husband should die, leaving the wife, the money to be paid to the wife; but if the wife should die in the life-time of her husband, then the money to be paid to the creditors. 2 Vern. 662. *Holland a Calliford*.

On the other hand, Lord Macclesfield was said to have doubted of this; wherefore this case coming in question before lord-chancellor King, his lordship ordered the precedents made in Lord Cowper's time to be left with him. *Ex parte Bayly in Hil. Vac. 1720. 2 Peer Will. 497. Mich. T. 1728.*

And his lordship [King] was of another opinion, conceiving, that no part of the bankrupt's estate should wait, or be deferred from being distributed; the act ordering, that the bankrupts estate should be distributed within months; especially that the distribution should not wait, as in the present case, for a debt, which was neither *debitum in presenti*, and never might be *debitum in futuro*, in regard the wife might die in the life-time of her husband; besides the husband, after his certificate allowed, might go to his trade again, and become a solvent person, able to pay off his bond. The court resolved, that the contingent creditor should not come in for a distribution, neither should the money be reserved in favour of such contingency.

But his lordship declared, that though the debt was

contingent when the obligor became a bankrupt, yet if the contingency happen before the distribution made, then such contingent creditor should come in for his debt; so if such contingency happened before the second dividend made, the creditor should come in for his proportion thereof, though after the first dividend.

The obligor on a bottomree-bond became bankrupt before the return of the ship, and the ship did not return before the distribution made; whereupon it was held that the obligee should have no benefit of the distribution upon the commission. And,

Whereas it was objected, that this bond would be barred, after the bankrupt's certificate allowed, which could not be unless it was then done.

Per curiam: this cannot be, if the obligor is careful in declaring upon his bond; indeed if the party declares upon the bond only, he shall be barred; otherwise, if he sets forth as well the condition as the bond in the declaration; for then it must appear, that the cause of action did not accrue at the time of the obligor's becoming a bankrupt. *Note*, the cautious way of declaring in such case.

But the above case is since altered, and the obligee in any bottomree-bond shall be admitted to claim, and after the loss or contingency shall have happened, to prove his debt and demands in respect of such bond, in like manner as if the loss had happened before the time of the issuing of the commission of bankruptcy against the obligor, and shall be entitled unto, and have and receive a proportionable part, share, and dividend of the bankrupt's estate, in proportion to the other creditors of such bankrupt, and in like manner as if such loss and contingency had happened before such commission issued. 19 Geo. II.

And this act makes it the same with the obligors and obligees on a policy of insurance.

One Blanchard, a cabinet-maker, married the sister of Calliford, who had five hundred pounds portion secured by land. Blanchard, on his marriage, gives a bond to leave his intended wife, if she survived him, five hundred pounds, or a third of his estate, at her election.

Blanchard became a bankrupt; bill by the assignees to have the five hundred pounds raised by the sale; and decreed accordingly; but with this, that the wife should come in as a creditor upon the five hundred pound bond, and what should be paid in respect thereof, to be put out at interest and received by the creditors, during the life of the husband, and if the wife survived, then the money to be paid her. *Blanchard a Calliford*.

J. S. indebted by bond to the wife of A, became a bankrupt; the husband comes in and claims the debt, pays the contribution money, but dies before any dividend was made; the wife survives, but dies also before any distribution.

Lord-chancellor directed the distribution to be made to the executors of the wife, and not to those of the husband; repaying to the husband's executors what he had advanced for contribution.

The husband's paying the contribution money did not alter the property of the debt, but it remained a chose in action, and survived to the wife. *Mich. 1719. 2 Vern. 707.*

The plaintiff, James Tully, brought an action of debt against the defendants, Frances Sparkes and Christopher May, executors of William Donalson, for eight hundred pounds, wherein the plaintiff declared, that William Donalson in his life-time, viz. the 6th of May, 1704, by his bond then dated, obliged himself, his heirs, &c. to the plaintiff, Tully, and one Philip Rudsbj, whom the plaintiff survived, in the said sum of eight hundred pounds, &c. with condition, that the heirs, &c. of the said William should pay to the said plaintiff, Tully, and Philip, and the survivor of them, or the executors, &c. of the survivor of them, four hundred pounds within two months after the death of the said William, in case one Martha Latimer should marry the said William, and should happen to survive him; in trust for the benefit and behoof of the said Martha, her executors, &c. then the obligation should be void, &c. and the plaintiff in fact says, that after the making the said bond, the said Martha married the said William Donalson, and that after the said marriage, the said Philip Rudsbj died, and the plaintiff survived him; and that the said William

made his will, and the defendants his executors; and afterwards (the said will not being revoked) died; and the said Martha survived him, and is yet alive; and that after the death of the said William Donalson, the defendant Frances proved the said will in due form of law; that the said Frances and Christopher, or either of them, did not pay to the plaintiff the said four hundred pounds within two months after the death of the said William, according to the said condition, whereby the bond became forfeited; and the action arose to the plaintiff, to demand of the said defendants the said eight hundred pounds; but the defendants the said eight hundred pounds, though often requested, have not yet paid, &c.

The defendants, after praying oyer of the bond and condition (which was granted) plead in bar, that the said William Donalson, after making the bond, for seven years, before and after that time, exercised the trade of a biscuit-baker, and got his living thereby, and became indebted to sundries in the sum of two hundred pounds and more, and became a bankrupt, and was declared such by the commissioners, and had his certificate allowed.

This case was learnedly argued both for the plaintiff and defendant, and the cause coming on in Michaelmas term, 1728, judgment was given by the whole court, upon the merits, that the plaintiff's debt was not barred by the matter compromised in the plea, because it was not within the 7 *Geo. II. cap. 31.*

In the matter of James King, a bankrupt, on the part of Anne King, his wife. The said Anne King, by her petition in January, 1742, set forth, that on the 16th of February, 1731, by articles tripartite made before her marriage with James King, between James King the elder, and the bankrupt, of the first part, James Sutton, and the said Anne King, by the name of Anne Sutton, his daughter, of the second part; and Robert Sutton and John Complin, of the third part; reciting the intended marriage: it was, amongst other things, covenanted and agreed, that the same James Sutton should, within three months after the marriage, pay the said James King the younger a thousand pounds as her marriage portion; and if James and Anne should have issue living at the death of James Sutton, that then his heirs, &c. would pay to the said James King the younger, the further sum of a thousand pounds, if he should be then living; but if King should die before the last thousand pounds became payable to him, then the same should in like manner be paid to the said Robert Sutton and John Complin, &c. in trust, to place out the same at interest, on such securities as the trustees, with the said Anne King, should approve of, and should pay the interest to be made thereof to her, during her life; and after her decease, for the maintenance and education of the children of the said James and Anne King, till they should attain twenty-one, and then to be paid to them in such parts and proportion as the said James and Anne King should appoint; and for default of such appointment, to be divided equally between them.

And in case they had no issue, then to such person or persons as the said James King the younger should by deed or will give or appoint the same unto; and in default thereof, the same was to be paid to the executors or administrators of the said James King.

And by the same articles, James King the younger covenanted, that if he received the said thousand pounds, payable after James Sutton's death, according to such covenant, that then the heirs, &c. of the said James King the younger, would, within three months after his decease, pay to the said Robert Complin and John Sutton, &c. a thousand pounds to be by them employed in such manner and form, and for such uses, intents, and purposes as were before expressed and limited, touching the thousand pounds, payable after the death of James Sutton.

The articles were executed by all parties, and the marriage soon after took effect.

In January, 1739, James Sutton, the father, died; and James and Anne King having issue a daughter named Anne, who was then living, James King became entitled to the thousand pounds after James Sutton's death, and the executors of Sutton accordingly paid him the same; and he gave them a discharge for it.

In January, 1741, Robert Sutton, one of the trustees, died; and a commission of bankruptcy issued against James King, and he was duly found a bankrupt, and his estate was assigned to Edward Grace, Thomas Garaway, and Timothy Denham.

That she apprehended that John Complin, the surviving trustee, ought to be allowed the thousand pounds so paid to her husband, James King, by Sutton's executors, in the nature of a debt under the commission, by virtue of the covenant in the articles, and that a proportionable part of King's estate, in proportion to what was to be paid to his other creditors, might be paid to the trustees, to be disposed in such a manner as might answer the intention of the said articles.

That she had applied to Complin, and had requested him to prove the said debt of a thousand pounds before the commissioners, and to be admitted a creditor for the same; but that he pretended, though his name was mentioned as a trustee in the articles, yet that he had never executed them; and refused to act in the trust, whereby she and her daughter were in danger of being totally deprived of the benefit of the thousand pounds, intended as a provision for her by the said articles.

She therefore prayed his lordship, that she might be at liberty to name a new trustee in Complin's room; and that such new trustee might be admitted a creditor under the said commission for the said thousand pounds, and might be paid a dividend in proportion with the rest of James King's creditors, and that the money to be received by such trustee, by virtue of such dividend, might be placed out at interest, in such manner as that she might receive the interest thereof during her life, in case she survived her husband; and that the principal monies to be received for such dividend, might go and be paid to such child or children of her by James King, as should happen to be living at the death of the survivor of them, in case there should be any such issue; and in such manner as was directed by the articles; or that his lordship should make such other order, as to him would seem meet.

And on the 21st of January, 1742, this petition came on to be heard before his lordship, and was learnedly argued by counsel on both sides: and the cases of *ex parte* Cazalet, Holland, and Calliford, Tully, and Sparkes, were cited; and on the first hearing, his lordship gave the gentlemen who were counsel for the said Anne King, further time to speak to it, and in the mean time to search for precedents; and upon this petition coming on again before his lordship, and no other precedents to be the point appearing, his lordship was pleased to be of opinion, that he could not relieve the petitioner, Anne King; and therefore he ordered such petition to be dismissed.

ARTICLES of the *Insurance Company at Genoa.* In 1741, an insurance company was formed at Genoa, of which the following twenty-six articles are the plan abbreviated, as much as the sense of them would allow.

Several principal merchants of the city of Genoa having considered the inconveniencies, which the want of an insurance office there exposed them to, determined to erect one for shipping, lives, and slavery on the following conditions.

I. To form a capital of 100,000 pieces of silver called *croisats*, of seven livres, twelve sols bank-money each, for the security of whoever should cause himself to be insured by the company; of which 100,000 pieces, 30,000 shall be deposited in the bank of St. George, in the manner as shall be judged best, and the remaining 70,000 shall be deposited, as hereafter is expressed; and the said sum of 100,000 pieces, and no more, shall be obliged by the assurer during the existence of the said company.

II. That for the execution of the aforesaid deposit of 30,000 pieces, and to compose the capital of the said 100,000 pieces, thirty billets shall be formed and disposed of at 333 $\frac{1}{3}$ of the said pieces, to whatever person inclines to be interested in the said company; and the purchasers thereof, for the number taken, shall transfer or write in; to one of the offices of St. George, to the company's credit, 100 of the said pieces, or their value, for each of the said billets; and for the 233 $\frac{1}{3}$ remaining, they shall oblig themselves under security, to make payment of

of it to the company, in case that through misfortunes (which God forbid) the 30,000 pieces deposited are not sufficient to satisfy the losses. And if it happens that the company have not premium enough to pay the losses, averages, &c. it shall give power to four deputies, or directors, to demand of the proprietors, the proportion, which by a *pro rata*, shall touch each on account of the obligation they have entered into.

III. In order to perfect the formation of the company proposed, Messrs. N. N. who have thought proper to communicate the articles to the merchants of the place, shall be also encharged to admit in quality of an associate or proprietor, those who will engage, and shall appear to them, proper to be admitted into the company proposed, which shall be done by demanding or requiring from them a promise to the following purport, or as it shall be drawn up by the notary public, viz.

"I A. B. approving the project of the Insurance Company, which has been read to, and shewn me by Messrs N. N. and desiring to be aggregated to it, and also to share in it, for ——— actions of 333 $\frac{1}{3}$ pieces each: I promise to oblige myself to the said gentlemen, to write on, or transfer into, one of the offices of St. George, when the said company shall be settled, the just value of 100 pieces of silver, appertaining to the said 300 actions, and to engage myself to fulfil the proposals for the remaining 233 $\frac{1}{3}$ pieces of each action, as shall be more amply expressed in the act of the association; and I will that the present have its full force and value, as if it had been a public act, passed before a sworn notary public, under the hypothecation of my effects present and to come: in faith of which, &c."

IV. When the said three hundred actions shall be employed, and by that the company settled, each person concerned shall be convoked to the place appointed by the before-mentioned gentlemen, and thereby a plurality of votes draw up and establish the act of society, on the footing of the articles here expressed, adding whatsoever shall be judged convenient, and supressing that which shall appear superfluous. The four deputies or directors shall be then elected, two Genoese and two foreigners, though all residing in Genoa, whose business will consist in signing the policies, in the name, and at the risk of the company, according to their instructions: the cashier shall render them an account monthly of what premiums have been received, and they must take care to examine the documents of the assurers, who shall have suffered losses, and to order payment by the cashier; and, in fine, they shall be charged with the care to provide every thing necessary, that may relate either directly or indirectly to the company, and the whole shall be done by an act of the chancellor.

V. Besides the four deputies or directors, the cashier and book-keeper shall be likewise elected, and the salary of each settled; the premiums of insurance for the respective maritime places shall be established; the duration of the company shall be confirmed, as well as the time and employ of the four directors, and the whole shall be duly registered.

VI. The continuance of the society shall be five years, to commence the 1st of January, 1741. But the beginning of the fifth year, 1745, the said company shall assemble to renew the act for five other years, or to provide that which shall be judged convenient, in case of a dissolution; and all those interested in the said company shall be summoned for this purpose.

VII. The proprietors of the above-mentioned actions can neither sell, nor alienate them, without the consent of the four directors, and that during the limited time of the society; but the consent being obtained, the company shall be preferred to any other purchaser.

VIII. At the beginning of every month (after the first) the company's cashier shall give the directors an account of what he has paid or received in the preceding month, &c.

IX. At the beginning of each month, the directors shall also review with exactness the writings, and the book-keeper shall be obliged to a daily attendance, to exercise with all care and diligence, whatsoever is dependant on his office.

X. To the end that those who have insurance to make,

whether residents or strangers, may be encouraged to prefer the company to every other means conducive to their intentions; the premiums shall be lowered to the most moderate price; and as for the rest, when any difficulties or suits happen between the company and the assurers, it is to be understood that they are to be determined by the laws and statutes of the place; and that the company is obliged for all common risks, such as pirates, sea, fire, and restraint of princes; and if the company think proper to underwrite some insurances which may be sometimes offered in which barratry is comprised, or upon good or bad advices, for a premium, proportionate to such conditions, the company shall give the directors their permission.

XI. Conformable to what is practised in other parts, no averages shall be paid, under four *per cent.* but all above this shall be punctually satisfied.

XII. In case of a total loss, the necessary or juridical proofs being produced, the sums insured shall be paid, with the discount of four *per cent.*

XIII. Whereas, the variation of the *agio*, and the current species, are prejudicial both to the insurer and the insured, the company will pay all losses, or averages, in bills of St. George, and the premiums shall be recovered in the same manner.

XIV. Any proprietor, possessed of ten actions, shall have two votes in the assembly of the company; and he that has less, shall have only one.

XV. He that has less than six actions cannot be chosen a director; and the most ancient of the four, shall preside at all general and particular assemblies.

XVI. No one shall have more than twelve actions in property; but (if the case happens) the concerned in the company may act as representatives of some foreigner or citizen, who desires to be admitted by their means; though with this proviso, that he shall advise the names of the co-partners, and the place of their domicile, and the representatives shall oblige themselves to submit to the covenants, which shall be stipulated in the company's instrument of union.

XVII. He that shall not be possessed of at least five actions, shall not be admitted to the company's meetings, but shall be obliged and held to all that shall be determined at them, and submit to all the conditions and resolutions of the society, excepting however, that in the first and last assembly, that shall be had, all the concerned in the said company ought to meet, as has been already hinted.

XVIII. At the end of each year after the company's establishment, balance shall be drawn of all that has been received and paid, and half of the profits shall be proportionably divided among the concerned, and even the whole, if the company does not think it more convenient to leave the other moiety, till the end of the fifth year of the company's duration.

XIX. The cashier elect shall be obliged to give sufficient security.

XX. The directors must never subscribe more than 20,000 dollars on ships with French colours, which they shall esteem good; 15,000 on vessels with the same colours of less tonnage; 12,000 on large barks well armed, and carrying the same colours; 12,000 on ships not under French colours; 8,000 on barks and vessels, with *Latin* sails, and not with French colours.

XXI. The premiums of the parties insured by the company, if they have no concern in it, must be paid immediately; those interested in it shall only pay every six months.

XXII. The damages which the assurers suffer shall be paid, viz. the averages, from the admission of the proof; and the total losses in three months after the intimation, when they appear to be just and clear; or being suspicious, after their verification; or directly with the discount of two *per cent.* besides the four always paid.

XXIII. The directors may not sign for account of the said company, other policies of insurance, than those which shall be tendered them by the public brokers, and this is to avoid any inconvenience.

XXIV. In case of the death of any one of the proprietors, the heirs shall be subject to the event of the defunct's share, and may neither sell, nor alien their actions

tions to any other than the company, in case they find themselves necessitated to sell them.

XXV. The charge or office of the four députies, shall last for one year; and before it ends, the new election of four others shall come one, though with the liberty to confirm all the first four, or at least two of them, which must always be two nationals, and two strangers.

XXVI. In case of a general assembly, the number of the proprietors ought to be at least two thirds of all the said company, and the articles shall not be deemed as passed, if the said two-thirds have not concurred therein.

ARTICLES of the definitive treaty of peace, between his Britannic majesty, the most Christian king, and the king of Spain, concluded at Paris the 10th day of February, 1763, to which the king of Portugal acceded on the same day.

In the name of the Most Holy and Undivided Trinity, Father, Son, and Holy Ghost. So be it.

Article I. There shall be a Christian, universal, and perpetual peace, as well by sea as by land, and a sincere and constant friendship shall be re-established between their Britannic, most Christian, Catholic, and most Faithful majesties, and between their heirs and successors, kingdoms, dominions, provinces, countries, subjects, and vassals, of what quality or condition soever they be, without exception of place, or of persons: so that the high contracting parties shall give the greatest attention to maintain between themselves and their said dominions and subjects, this reciprocal friendship and correspondence, without permitting, on either side, any kind of hostilities by sea or by land to be committed, from henceforth, for any cause, or under any pretence whatsoever, and every thing shall be carefully avoided which might hereafter prejudice the union happily re-established, applying themselves, on the contrary, on every occasion, to procure for each other whatever may contribute to their mutual glory, interests, and advantages, without giving any assistance or protection, directly or indirectly, to those who would cause any prejudice to either of the high contracting parties: there shall be a general oblivion of every thing that may have been done or committed before, or since, the commencement of the war, which is just ended.

II. The treaties of Westphalia of 1648; those of Madrid between the crowns of Great Britain and Spain of 1667, and 1670; the treaties of peace of Nineguen of 1678, and 1679; of Ryfwick of 1697; those of peace and of commerce of Utrecht of 1713; that of Baden of 1714; the treaty of the triple alliance of the Hague of 1717; that of the quadruple alliance of London of 1718; the treaty of peace of Vienna of 1738; the definitive treaty of Aix la Chapelle of 1748; and that of Madrid, between the crowns of Great-Britain and Spain, of 1750; as well as the treaties between the crowns of Spain and Portugal, of the 13th of February, 1668; of the 6th of February, 1715; and of the 12th of February, 1761; and that of the 11th of April, 1713, between France and Portugal, with the guaranties of Great-Britain; serve as a basis and foundation to the peace, and to the present treaty; and for this purpose, they are all renewed and confirmed in the best form, as well as all the treaties in general, which subsisted between the high contracting parties before the war, as if they were inserted here word for word, so that they are to be exactly observed for the future in their whole tenor, and religiously executed on all sides, in all their points which shall not be derogated from by the present treaty, notwithstanding all that may have been stipulated to the contrary by any of the high contracting parties: and all the said parties declare, that they will not suffer any privilege, favour, or indulgence, to subsist, contrary to the treaties above confirmed, except what shall been agreed and stipulated by the present treaty.

III. All the prisoners made, on all sides, as well by land as by sea, and the hostages carried away, or given during the war, and to this day, shall be restored without ransom, six weeks at latest, to be computed from the day of the exchange of the ratification of the present treaty, each crown respectively paying the advances, which shall have been made for the subsistence and maintenance of their prisoners, by the sovereign of the country where they shall have been detained, according to

the attested receipts and estimates, and other authentick vouchers, which shall be furnished on one side and the other: And securities shall be reciprocally given for the payment of the debts which the prisoners shall have contracted in the countries where they have been detained, until their entire liberty. And all the ships of war and merchant vessels which shall have been taken since the expiration of the terms agreed upon for the cessation of hostilities by sea, shall be likewise restored *bona fide*, with all their crews and cargoes: and the execution of this article shall be proceeded upon immediately after the exchange of the ratifications of this treaty.

IV. His most christian majesty renounces all pretensions which he has heretofore formed, or might form, to Nova Scotia, or Acadia, in all its parts, and guaranties the whole of it, and with all its dependencies, to the king of Great Britain: moreover, his most christian majesty cedes, and guaranties to his said Britannick majesty, in full right, Canada, with all its dependencies, as well as the island of Cape Breton, and all the other islands and coasts in the gulph and river of St. Laurence, and, in general, every thing that depends on the said countries, lands, islands, and coasts, with the sovereignty, property, possession, and all rights acquired by treaty or otherwise, which the most christian king, and the crown of France, have had, till now, over the said countries, islands, lands, places, coasts, and their inhabitants, so that the most christian king cedes and makes over the whole to the said king, and to the crown of Great Britain, and that in the most ample manner and form, without restriction, and without any liberty to depart from the said cession and guaranty, under any pretence, or to disturb Great Britain in the possessions above-mentioned. His Britannick majesty, on his side, agrees to grant the liberty of the catholic religion to the inhabitants of Canada: he will consequently give the most effectual orders, that his new Roman catholic subjects may profess the worship of their religion, according to the rites of the Romish church, as far as the laws of Great Britain permit. His Britannick majesty further agrees that the French inhabitants, or others who had been subjects of the most christian king in Canada, may retire with all safety and freedom, wherever they shall think proper, and may sell their estates, provided it be to subjects of his Britannick majesty, and bring away their effects, as well as their persons, without being restrained in their emigration, under any pretence whatsoever, except that of debts, or of criminal prosecutions: the term, limited for this emigration, shall be fixed to the space of eighteen months, to be computed from the day of exchange of the ratifications of the present treaty.

V. The subjects of France shall have the liberty of fishing and drying on a part of the coasts of the island of Newfoundland, such as is specified in the 23th article of the treaty of Utrecht; which article is renewed and confirmed by the present treaty, (except what relates to the island of Cape Breton, as well as to the other islands and coasts, in the mouth, and in the gulph of St. Laurence:) and his Britannick majesty consents to leave the subjects of the most christian king the liberty of fishing in the gulph of St. Laurence, on condition that the subjects of France do not exercise the said fishery, but at the distance of three leagues from all the coasts belonging to Great-Britain, as well those of the continent, as those of the islands situated in the said gulph of St. Laurence. And as to what relates to the fishery on the coast of the island of Cape Breton out of the said gulph, the subjects of the most christian king shall not be permitted to exercise the said fishery, but at the distance of fifteen leagues from the coasts of the island of Cape Breton; and the fishery on the coasts of Nova Scotia or Acadia, and every where else out of the said gulph, shall remain on the foot of former treaties.

VI. The king of Great-Britain cedes the islands of St. Pierre and Miquelon, in full right, to his most christian majesty, to serve as a shelter to the French fishermen: and his said most christian majesty engages not to fortify the said islands, to erect no building upon them, but merely for the convenience of the fishery, and to keep upon them a guard of fifty men only for the police.

VII. In

VII. In order to re-establish peace on solid and durable foundations, and to remove for ever all subject of dispute with regard to the limits of the British and French territories on the continent of America, that, for the future, the confines between the dominions of his Britannick majesty, and those of his most christian majesty, in that part of the world, shall be fixed irrevocably by a line drawn along the middle of the river Mississippi, from its source to the river Iberville, and from thence, by a line drawn along the middle of this river, and the lake Maurepas and Pontchartrain, to the sea; and for this purpose, the most christian king cedes, in full right, and guaranties to his Britannick majesty, the river and port of the Mobile, and every thing which he possesses, or ought to possess, on the left side of the river Mississippi, except the town of New Orleans, and the island in which it is situated, which still remain to France; provided that the river Mississippi shall be equally free, as well to the subjects of Great Britain, as to those of France, in its whole breadth and length, from its source to the sea, and expressly that part which is between the said island of New Orleans, and the right bank of that river, as well as the passage both in and out of its mouth: it is further stipulated, that the vessels belonging to the subjects of either nation, shall not be stopped, visited, or subject to the payment of any duty whatsoever. The stipulations, inserted in the fourth article, in favour of the inhabitants of Canada, shall also take place, with regard to the inhabitants of the countries ceded by this article.

VIII. The king of Great Britain shall restore to France the islands of Guadaloupe, of Marie Galante, of Desirade, of Martinico, and of Belleisle; and the fortresses of these islands shall be restored in the same condition they were in, when they were conquered by the British arms; provided that his Britannick majesty's subjects, who shall have settled in the said islands, or those who shall have any commercial affairs to settle there, or in the other places restored to France by the present treaty, shall have liberty to sell their lands and their estates, to settle their affairs, to recover their debts, and to bring away their effects, as well as their persons, on board vessels, which they shall be permitted to send to the said islands, and other places restored as above, and which shall serve for this use only, without being restrained on account of their religion, or under any pretence whatsoever, except that of debts, or of criminal prosecutions: and for this purpose, the term of eighteen months is allowed to his Britannick majesty's subjects, to be computed from the day of the exchange of the ratifications of the present treaty; but, as the liberty, granted to his Britannick majesty's subjects, to bring away their persons and their effects, in vessels of their nation, may be liable to abuses, if precautions were not taken to prevent them: it has been expressly agreed between his Britannick majesty and his most christian majesty, that the number of English vessels, which shall have leave to go to the said islands and places restored to France, shall be limited, as well as the number of tons of each one; that they shall go in ballast: shall set sail at a fixed time; and shall make one voyage only, all the effects, belonging to the English, being to be embarked at the same time. It has been further agreed, that his most christian majesty shall cause the necessary passports to be given to the said vessels; that, for the greater security, it shall be allowed to place two French clerks, or guards, in each of the said vessels, which shall be visited in the landing places, and ports of the said islands, and places restored to France, and that the merchandise, which shall be found therein, shall be confiscated.

IX. The most christian king cedes and guaranties to his Britannick majesty, in full right, the islands of Grenada and of the Grenadines, with the same stipulations in favour of the inhabitants of this colony, inserted in the fourth article for those of Canada: and the partition of the islands, called Neutral, is agreed and fixed, so that those of St. Vincent, Dominica, and Tobago, shall remain in full right to Great Britain, and that of St. Lucia shall be delivered to France, to enjoy the same likewise in full right; and the high contracting parties guaranty the partition so stipulated.

X. His Britannick majesty shall restore to France the island of Goree in the condition it was in when conquered: and his most christian majesty cedes, in full right, and guaranties to the king of Great Britain, the river Senegal, with the forts and factories of St. Lewis, Podor, and Galam; and with all the rights and dependencies of the said river Senegal.

XI. In the East-Indies, Great Britain shall restore to France, in the condition they are now in, the different factories, which that crown possessed, as well on the coast of Coromandel, and Orixá, as on that of Malabar, as also in Bengal, at the beginning of the year 1749. And his most christian majesty renounces all pretension to the acquisitions which he made on the coast of Coromandel and Orixá, since the said beginning of the year 1749. His most christian majesty shall restore, on his side, all that he may have conquered from Great Britain, in the East Indies, during the present war; and will expressly cause Nattal and Tapanouilly, in the island of Sumatra, to be restored; he engages further, not to erect fortifications, or to keep troops in any part of the dominions of the Subah of Bengal. And in order to preserve future peace on the coast of Coromandel and Orixá, the English and French shall acknowledge Mahomet Ally Khan for lawful Nabob of the Carnatick, and Salabat Jing for lawful Subah of the Decan; and both parties shall renounce all demands and pretensions of satisfaction, with which they might charge each other, or their Indian allies, for the depredations, or pillage, committed, on the one side, or on the other, during the war.

XII. The island of Minorca shall be restored to his Britannick majesty, as well as fort St. Philip, in the same condition they were in, when conquered by the arms of the most christian king; and with the artillery which was there, when the said island, and the said fort, were taken.

XIII. The town and port of Dunkirk shall be put into the state fixed by the last treaty of Aix-la-Chapelle, and by former treaties. The Cunette shall be destroyed immediately after the exchange of the ratification of the present treaty, as well as the forts and batteries which defend the entrance on the side of the sea; and provision shall be made, at the same time, for the wholesomeness of the air, and for the health of the inhabitants, by some other means, to the satisfaction of the king of Great Britain.

XIV. France shall restore all the countries belonging to the electorate of Hanover, to the landgrave of Hesse, to the duke of Brunswick, and to the count of La Lippe Buckebourg, which are, or shall be occupied by his most christian majesty's arms: the fortresses of these different countries shall be restored in the same condition they were in, when conquered by the French arms; and the pieces of artillery, which shall have been carried elsewhere, shall be replaced by the same number, of the same bore, weight, and metal.

XV. In case the stipulations, contained in the 13th article of the preliminaries, should not be completed at the time of the signature of the present treaty, as well with regard to the evacuations to be made by the armies of France of the fortresses of Cleves, Wesel, Guelders, and of all the countries belonging to the king of Prussia, as with regard to the evacuations to be made by the British and French armies of the countries which they occupy in Westphalia, Lower Saxony, on the Lower Rhine, the Upper Rhine, and in all the empire, and to the retreat of the troops into the dominions of their respective sovereigns: their Britannick, and most christian majesties promise to proceed, *bona fide*, with all the dispatch the case will permit of, to the said evacuations, the entire completion whereof they stipulate before the fifteenth of March next, or sooner if it can be done; and their Britannick and most christian majesties further engage, and promise to each other, not to furnish any succours, of any kind, to their respective allies, who shall continue engaged in the war in Germany.

XVI. The decision of the prizes made, in time of peace, by the subjects of Great Britain, on the Spaniards, shall be referred to the courts of justice of the Admiralty of Great Britain, conformably to the rules established among all nations, so that the validity of the said prizes,

between the British and Spanish nations, shall be decided and judged, according to the law of nations, and according to treaties, in the courts of justice of the nation, who shall have made the capture.

XVII. His Britannick majesty shall cause to be demolished all the fortifications which his subjects shall have erected in the bay of Honduras, and other places of the territory of Spain in that part of the world, four months after the ratification of the present treaty: and his catholic majesty shall not permit his Britannick majesty's subjects, or their workmen, to be disturbed, or molested, under any pretence whatsoever, in the said places, in their occupation of cutting, loading, and carrying away logwood: and for this purpose, they may build without hindrance, and occupy without interruption, the houses and magazines which are necessary for them, for their families, and for their effects: and his catholic majesty assures to them, by this article, the full enjoyment of those advantages and powers, on the Spanish coasts and territories, as above stipulated, immediately after the ratification of the present treaty.

XVIII. His catholic majesty desists, as well for himself, as for his successors, from all pretension which he may have formed, in favour of the Guipuscoans, and other his subjects, to the right of fishing in the neighbourhood of the island of Newfoundland.

XIX. The king of Great Britain shall restore to Spain all the territory which he has conquered in the island of Cuba, with the fortresses of the Havanna, and this fortress, as well as all other fortresses of the said island, shall be restored in the same condition they were in when conquered by his Britannick majesty's arms; provided, that his Britannick majesty's subjects, who shall have settled in the said island, restored to Spain by the present treaty, or those who shall have any commercial affairs to settle there, shall have liberty to sell their lands, and their estates, to settle their affairs, to recover their debts, and to bring away their effects, as well as their persons, on board vessels which they shall be permitted to send to the said island restored as above, and which shall serve for that use only, without being restrained on account of their religion, or under any pretence whatsoever, except that of debts, or of criminal prosecutions: and for this purpose, the term of eighteen months is allowed to his Britannick majesty's subjects, to be computed from the day of the exchange of the ratifications of the present treaty: but as the liberty, granted to his Britannick majesty's subjects, to bring away their persons and their effects, in vessels of their nation, may be liable to abuses, if precautions were not taken to prevent them: it has been expressly agreed, between his Britannick majesty and his catholic majesty, that the number of English vessels, which shall have leave to go to the said island restored to Spain, shall be limited, as well as the number of tons of each one: That they shall go in ballast; shall set sail at a fixed time; and shall make one voyage only; all the effects belonging to the English being to be embarked at the same time: it has been further agreed, that his catholic majesty shall cause the necessary passports to be given to the said vessels; that, for the greater security, it shall be allowed to place two Spanish clerks, or guards, in each of the said vessels, which shall be visited in the landing-places, and ports of the said island restored to Spain, and that the merchandize, which shall be found therein, shall be confiscated.

XX. In consequence of the restitution stipulated in the preceding article, his catholic majesty cedes and guaranties, in full right, to his Britannick majesty, Florida, with fort St. Augustin, and the bay of Pensacola, as well as all that Spain possesses on the continent of North America, to the east, or to the south-east, of the river Mississippi. And in general, every thing that depends on the said countries, and lands, with the sovereignty, property, possession, and all rights, acquired by treaties or otherwise, which the catholic king and the crown of Spain, have had, till now, over the said countries, land, places, and their inhabitants; so that the catholic king cedes and makes over the whole to the said king, and to the crown of Great Britain, and that in the most ample manner and form. His Britan-

nick majesty agrees, on his side, to grant to the inhabitants of the countries, above ceded, the liberty of the catholic religion: he will consequently give the most express, and the most effectual orders, that his new Roman catholic subjects may profess the worship of their religion, according to the rites of the Roman church, as far as the laws of Great-Britain permit: his Britannick majesty further agrees, that the Spanish inhabitants, or others, who had been subjects of the catholic king in the said countries, may retire, with all safety and freedom, wherever they think proper; and may sell their estates, provided it be to his Britannick majesty's subjects, and bring away their effects, as well as their persons, without being restrained in their emigrations, under any pretence whatsoever, except that of debts, or of criminal prosecutions: the term, limited for this emigration, being fixed to the space of eighteen months, to be computed from the day of the exchange of the ratifications of the present treaty. It is moreover stipulated, that his catholic majesty shall have power to cause all the effects, that may belong to him, to be brought away, whether it be artillery, or other things.

XXI. The French and Spanish troops shall evacuate all the territories, lands, towns, places, and castles, of his most faithful majesty, in Europe, without any reserve, which shall have been conquered by the armies of France and Spain, and shall restore them in the same condition they were in when conquered, with the same artillery and ammunition, which were found there: and with regard to the Portuguese colonies in America, Africa, or in the East-Indies, if any change shall have happened there, all things shall be restored on the same footing they were in, and conformably to the preceding treaties which subsisted between the courts of France, Spain, and Portugal, before the present war.

XXII. All the papers, letters, documents, and archives, which were found in the countries, territories, towns, and places, that are restored, and those belonging to the countries ceded, shall be, respectively and *bona fide*, delivered, or furnished at the same time, if possible, that possession is taken, or, at latest, four months after the exchange of the ratifications of the present treaty, in whatever places the said papers or documents may be found.

XXIII. All the countries and territories, which may have been conquered, in whatsoever part of the world, by the arms of their Britannick and most faithful majesties, as well as by those of their most christian and catholic majesties, which are not included in the present treaty, either under the title of cessions, or under the title of restitutions, shall be restored without difficulty, and without requiring any compensation.

XXIV. As it is necessary to assign a fixed epoch for the restitutions, and the evacuations, to be made by each of the high contracting parties; it is agreed, that the British and French troops shall complete, before the 15th of March next, all that shall remain to be executed of the XIIth and XIIIth articles of the preliminaries, signed the third day of November last, with regard to the evacuation to be made in the empire, or elsewhere. The island of Belleisle shall be evacuated six weeks after the exchange of the ratifications of the present treaty, or sooner, if it can be done. Guadeloupe, Desirade, Marie Galante, Martinico, and St. Lucia, three months after the exchange of the ratifications of the present treaty, or sooner, if it can be done. Great-Britain shall likewise, at the end of three months after the exchange of the ratifications of the present treaty, or sooner, if it can be done, enter into possession of the river and port of the Mobile, and of all that is to form the limits of the territory of Great-Britain, on the side of the river Mississippi, as they are specified in the VIIIth article. The island of Goree shall be evacuated by Great-Britain, three months after the exchange of the ratifications of the present treaty; and the island of Minorca, by France, at the same epoch, or sooner, if it can be done: and according to the conditions of the VIth article, France shall likewise enter into possession of the islands of St. Peter, and of Miquelon, at the end of three months after the exchange of the ratifications of the present treaty. The factories in the Indies shall

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shall be restored six months after the exchange of the ratifications of the present treaty, or sooner, if it can be done. The fortrefs of the Havana, with all that has been conquered in the island of Cuba, shall be restored three months after the exchange of the ratifications of the present treaty, or sooner, if it can be done: and, at the same time, Great-Britain shall enter into possession of the country ceded by Spain, according to the XXth article. All the places and countries of his most faithful majesty, in Europe, shall be restored immediately after the exchange of the ratifications of the present treaty; and the Portuguese colonies, which may have been conquered, shall be restored in the space of three months in the West-Indies, and of six months in the East-Indies, after the exchange of the ratifications of the present treaty, or sooner, if it can be done. All the fortresses, the restitution whereof is stipulated above, shall be restored, with the artillery and ammunition, which were found there at the time of the conquest. In consequence whereof, the necessary orders shall be sent by each of the high contracting parties, with reciprocal passports for the ships that shall carry them, immediately after the exchange of the ratifications of the present treaty.

XXV. His Britannick majesty, as elector of Brunswick Lunenbourg, as well for himself, as for his heirs and successors, and all the dominions and possessions of his said majesty in Germany, are included and guarantied by the present treaty of peace.

XXVI. Their sacred Britannick, most christian, catholic, and most faithful majesties, promise to observe, sincerely and *bona fide*, all the articles contained and settled in the present treaty; and they will not suffer the same to be infringed, directly or indirectly, by their respective subjects; and the said high contracting parties, generally and reciprocally, guaranty to each other all the stipulations of the present treaty.

XXVII. The solemn ratifications of the present treaty, expedited in good and due form, shall be exchanged in this city of Paris, between the high contracting parties, in the space of a month, or sooner, if possible, to be computed from the day of the signature of the present treaty.

In witness whereof, we the under-written, their ambassadors extraordinary, and ministers plenipotentiary, have signed with our hand, in their name, and in virtue of our full powers, the present definitive treaty, and have caused the seal of our arms to be put thereto.

Done at Paris the tenth of February, 1763.

BEDFORD, C. P. S.

(L. S.)

CHOISEUL, DUC DE PRASLIN.

(L. S.)

EL MARQUIS DE GRIMALDI.

(L. S.)

SEPARATE ARTICLES.

I. Some of the titles made use of by the contracting powers, either in the full powers, and other acts, during the course of the negotiation, or in the preamble of the present treaty, not being generally acknowledged; it has been agreed, that no prejudice shall ever result therefrom to any of the said contracting parties, and that the titles, taken or omitted, on either side, on occasion of the said negotiation, and of the present treaty, shall not be cited, or quoted as a precedent.

II. It has been agreed and determined, that the French language made use of in all the copies of the present treaty, shall not become an example, which may be alleged, or made a precedent of, or prejudice, in any manner, any of the contracting powers; and that they shall conform themselves, for the future, to what has been observed, and ought to be observed, with regard to, and on the part of powers, who are used, and have a right, to give and to receive copies of like treaties in another language than French; the present treaty having still the same force and effect, as if the aforesaid custom had been therein observed.

III. Though the king of Portugal has not signed the present definitive treaty, their Britannick, most christian, and catholic majesties, acknowledge, nevertheless, that

his most faithful majesty is formally included therein as a contracting party, and as if he had expressly signed the said treaty: consequently their Britannick, most christian, and catholic majesties, respectively and conjointly, promise to his most faithful majesty, in the most express and most binding manner, the execution of all and every the clauses, contained in the said treaty, on his act of accession.

The present separate articles shall have the same force as if they were inserted in the treaty.

In witness whereof, we the underwritten ambassadors extraordinary, and ministers plenipotentiary of their Britannick, most christian, and catholic majesties, have signed the present separate articles, and have caused the seal of our arms to be put thereto.

Done at Paris the tenth of February, 1763.

BEDFORD, C. P. S.

(L. S.)

CHOISEUL, DUC DE PRASLIN:

(L. S.)

EL MARQUIS DE GRIMALDI:

(L. S.)

Declaration of his most christian majesty's plenipotentiary, with regard to the debts due to the Canadians.

The king of Great-Britain having desired, that the payment of the letters of exchange and bills, which had been delivered to the Canadians for the necessities furnished to the French troops, should be secured, his most christian majesty, entirely disposed to render to every one that justice which is legally due to them, has declared, and does declare, that the said bills, and letters of exchange, shall be punctually paid, agreeably to a liquidation made in a convenient time, according to the distance of the places, and to what shall be possible, taking care, however, that the bills and letters of exchange, which the French subjects may have at the time of this declaration, be not confounded with the bills and letters of exchange, which are in the possession of the new subjects of the king of Great-Britain.

In witness whereof, we the underwritten minister of his most christian majesty, duly authorized for this purpose, have signed the present declaration, and caused the seal of our arms to be put thereto.

Done at Paris the tenth of February, 1763.

CHOISEUL, DUC DE PRASLIN.

(L. S.)

Declaration of his Britannick majesty's ambassador extraordinary and plenipotentiary, with regard to the limits of Bengal in the East-Indies.

We the underwritten ambassador extraordinary and plenipotentiary of the king of Great-Britain, in order to prevent all subject of dispute on account of the limits of the dominions of the Subah of Bengal, as well as of the coast of Coromandel and Orixa, declare, in the name and by order of his said Britannick majesty, that the said dominions of the Subah of Bengal shall be reputed not to extend farther than Yanaon exclusively, and that Yanaon shall be considered as included in the north part of the coast of Coromandel or Orixa.

In witness whereof, we the underwritten minister plenipotentiary of his majesty the king of Great-Britain, have signed the present declaration, and have caused the seal of our arms to be put thereto.

Done at Paris the tenth of February, 1763.

BEDFORD, C. P. S.

(L. S.)

ACCESSION Of his most faithful majesty.

In the Name of the Most Holy and Undivided Trinity, Father, Son, and Holy Ghost. So be it.

Be it known to all those to whom it shall, or may belong; the ambassadors and plenipotentiaries of his Britannick majesty, and of his most christian majesty, and of his catholic majesty, having concluded and signed at Paris, the 10th of February of this year, a definitive treaty of peace, and separate articles, the tenor of which is as follows.

[Fiat

[*Fiat insertio.*]

And the said ambassadors and plenipotentiaries having, in a friendly manner, invited the ambassador and minister plenipotentiary of his most faithful majesty to accede thereto in the name of his said majesty; the underwritten ministers plenipotentiary, viz. On the part of the most serene and most potent prince, George the Third, by the grace of God, king of Great-Britain, France, and Ireland, duke of Brunswick and Lunenbourg, arch-treasurer and elector of the holy Roman empire, the most illustrious and most excellent lord, John, duke and earl of Bedford, marquis of Tavistock, &c. minister of state of the king of Great-Britain, lieutenant-general of his forces, keeper of his privy-seal, knight of the most noble order of the garter, and his ambassador extraordinary and plenipotentiary to his most christian majesty; and on the part of the most serene and most potent prince, Don Joseph the First, by the grace of God, king of Portugal and of the Algarves, the most illustrious and most excellent lord, Martin de Mello and Castro, knight professed of the order of Christ, of his most faithful majesty's council, and his ambassador and minister plenipotentiary to his most christian majesty, in virtue of their full powers, which they have communicated to each other, and of which copies shall be added at the end of the present act, have agreed upon what follows; viz. his most faithful majesty desiring most sincerely to concur in the speedy re-establishment of peace, accedes, in virtue of the present act, to the said definitive treaty and separate articles, as they are above transcribed, without any reserve or exception, in the firm confidence that every thing that is promised to his said majesty, will be *bona fide* fulfilled, declaring at the same time, and promising to fulfil, with equal fidelity, all the articles, clauses, and conditions, which concern him. On his side, his Britannick majesty accepts the present accession of his most faithful majesty, and promises likewise to fulfil, without any reserve or exception, all the articles, clauses, and conditions, contained in the said definitive treaty and separate articles, above inserted. The ratifications of the present treaty shall be exchanged in the space of one month, to be computed from this day, or sooner, if it can be done.

In witness whereof, we, ambassadors and ministers plenipotentiary of his Britannick majesty, and of his most faithful majesty, have signed the present act, and have caused the seal of our arms to be put thereto.

Done at Paris, the tenth of February, 1763.

BEDFORD, C. P. S.

(L. S.)

DE MELLO ET CASTRO.

(L. S.)

Declaration of his most faithful majesty's ambassador and minister plenipotentiary, with regard to the alternating with Great-Britain and France.

Whereas, on the conclusion of the negotiation of the definitive treaty, signed at Paris this 10th day of February, a difficulty arose as to the order of signing, which might have retarded the conclusion of the said treaty, we the underwritten, ambassador and minister plenipotentiary of his most faithful majesty, declare, that the alternative observed, on the part of the king of Great-Britain, and the most christian king, with the most faithful king, in the act of accession of the court of Portugal, was granted by their Britannick and most christian majesties, solely with a view to accelerate the conclusion of the definitive treaty, and by that means, the more speedily to consolidate so important and so salutary a work; and that this complaisance of their Britannick and most christian majesties shall not be made any precedent of for the future; the court of Portugal shall not alledge it as an example in their favour; shall derive therefrom no right, title, or pretension, for any cause, or under any pretence whatsoever.

In witness whereof, we, ambassador and minister plenipotentiary of his most faithful majesty, duly authorized for this purpose, have signed the present declaration, and have caused the seal of our arms to be put thereto.

Done at Paris, the tenth of February, 1763.

MARTIN DE MELLO ET CASTRO.

(L. S.)

ARTICLES of commerce between Great Britain and Portugal. See PORTUGAL.

ARTIFICER, is taken for one who is master of his art, or whose calling or employment doth consist chiefly of bodily labour.

If *artificers*, or workmen, conspire not to do any work but at certain prices, &c. they are liable to penalties by the statute 2 and 3 *Edw. VI. cap. 15*. A stranger *artificer* in London, &c. shall not keep above two strangers servants; but he may have as many English servants and apprentices as he can get. *Stat. 21 Hen. VIII.*

Stat. 5 Geo. I. cap. 27. sect. 1. If any person shall contract with, entice, or solicit any artificer in wool, iron, steel, brass, or other metal, clockmaker, watchmaker, or any other artificer of Great-Britain, to go into foreign countries out of the king's dominions, and shall be convicted thereof upon indictment or information, in any of the courts at Westminster, or at the assizes or quarter-sessions, he shall be fined any sum not exceeding a hundred pounds for the first offence, and shall be imprisoned three months, and till the fine be paid; and if any person having been once convicted, shall offend again, he shall be fined at the discretion of the court, and imprisoned twelve months, and till the fine be paid.

Sect. 2. No person shall be prosecuted for the said offences, unless the prosecution be begun within twelve months after the offence.

Sect. 3. If any of the king's subjects, being such *artificers*, shall go into any country out of his majesty's dominions, to exercise or teach the said trades to foreigners; and if any of the king's subjects in any such foreign country, exercising any of the said trades, shall not return into this realm within six months after warning given by the ambassador, minister, or consul of Great-Britain, in the country where such artificer shall be, or by any person authorized by such ambassador, &c. or by one of the secretaries of state, and from thenceforth inhabit within this realm; such person shall be incapable of taking any legacy, or of being an executor or administrator, and of taking any lands, &c. within this kingdom by descent, devise, or purchase, and shall forfeit all lands, goods, &c. within this kingdom to his majesty's use, and shall be deemed an alien, and out of his majesty's protection.

Sect. 4. Upon complaint made upon oath before any justice of peace, that any person is endeavouring to seduce any such *artificer*, or that any such *artificer* hath contracted, or is preparing to go out of his majesty's dominions for the purposes aforesaid; such justice may send his warrant to bring the person complained of before him, or before some other justice; and if it shall appear by the oath of one witness, or by confession, that he was guilty of any of the said offences, such justice may bind him to appear at the next assizes or quarter-sessions; and if such person shall refuse to give security, the justice may commit him to gaol till the next assizes or quarter-sessions, and until he shall be delivered by due course of law; and if any such *artificer* shall be convicted upon indictment of any such promise, contract, or preparation to go beyond-seas for the purposes aforesaid; he shall give such security to the king, not to depart out of his majesty's dominions, as such court shall think reasonable, and shall be imprisoned till security be given.

Sect. 5. If any of the above offences shall be committed in Scotland, the same shall be prosecuted in the court of judicatory, or the circuits there.

ARTILLERY, in military affairs, all sorts of large fire-arms, with their appurtenances; as cannon of all sorts, mortars, musquets, carbines, &c.

Train of *artillery*, is a set or certain number of pieces of ordnance, mounted on carriages with all their furniture, fit for marching, as mortar-pieces, cannons, bombs, carcases, &c. There are trains of *artillery* of the king's magazines, as at the Tower, Portsmouth, Plymouth, &c.

Since the art of war has been improved, by means of those fatal inventions of gunpowder and *artillery*, the manufactory of *artillery* is become an extensive branch of business, and employs no small number of hands.

The larger pieces of *artillery* depend upon the business of foundry, the other upon smithery. The former is commonly

commonly called ordnance, the other small-arms, &c.

To carry on manufactures of ordnance with success, there are various circumstances which are requisite to be well weighed and considered, or the undertakers may be soon undone.

1. The situation of the place for casting of ordnance of iron should be very near ore, and fuel, and water, not for sale and carriage, but for the conveniency of working of bellows for their casting part, and forging hammers for the working up the heads of their cannon, and other superfluous cast iron, which is separated therefrom.

2. The price of labour, as well as that of fuel, ore, and carriage, should also be calculated, in order to be able to judge of the profits of the manufactory, according to the views and expectations of vent for the same.

3. These things considered, the next is that of hiring, or erecting furnaces, forges, and water-mills, and all other conveniencies necessary for the purpose. If hiring, or building, be the intention, due regard should be had to the structure of furnaces, not only that they may be properly built for the occasion, but adapted to the quantity of ore designed to be smelted at a time; and that the bellows be so hung as to give the necessary continued blast. These things depend on the care and skill of able and experienced workmen, or rather upon the master-founder himself, who has the conduct of the whole.

4. But, let his judgment and experience be ever so great, yet if the several workmen, the operators in the various classes, are not equal to their respective parts, the undertakers may soon be ruined; for there is such an accuracy in casting large pieces of ordnance, that seventeen pieces out of thirty have been known not to stand proof upon trial, though cast at one of the best founderies in the kingdom; which proved a great loss to the proprietors.

5. There is much in this art that depends upon a careful and ingenious mould-maker; and more on the method of preparing the ore, and smelting it with such fluxes as will render the metal constantly so tough as is necessary to stand all proof. When this is skilfully done, those accidents before-mentioned can very rarely happen; as no little defect in the moulds could change the general texture, compactness, and toughness of the metal; little tuberosities in the moulds could never have that effect as to prevent such metal standing proof, if it was as good as it ought to be.

These accidents, to which our iron foundries are liable in the casting of ordnance, seem to indicate that this art is not yet brought to its last perfection.

Under the articles IRON and FOUNDRY, we shall shew the methods of smelting the various species of ores for ordnance, and other matters, which are made of cast iron; and endeavour to point out the causes of those miscarriages, which may, in some measure, possibly, contribute to prevent their frequency. And, in regard to the making of brass ordnance, that will be represented under the articles BRASS and FOUNDRY.

The art of war, at present, depending so much upon the goodness of destructive artillery, and other nations pluming themselves on the superior excellency of theirs, in seems prudential, from the principles of self-defence only, that we should not be behind them in what so nearly concerns us.

That other nations are making all the advances they can in this art, we had an account not long since from the Austrian camp at Bostell, that proof was there made of eight pieces of cannon, made of hammered or forged iron, of a new invention; each piece firing a hundred times in fifteen minutes, without requiring to be once cleaned. Besides the advantages of quickness in firing, the touch-hole, it was said, suffered not in the least by the number of discharges that were made. Within a short time after this, to shew that the French would not be behind-hand with the Austrians in that point, we had the following repeated account from Paris in all the foreign papers.

“We learn from Paris, that certificates have been produced there from the officers of the marine in several parts of Normandy, in relation to the excellence of the new-invented artillery, made of forged iron; by which it appears that one of these pieces, carrying a ball of

twelve pounds, proved equal in every respect to one of brass, and another of cast iron of double the weight; and that these new-invented cannon may be managed by half the number of hands.”

As the officers of the French marine made this report, we may presume this new-invented cannon was chiefly intended for the royal navy; and, if the French should ever be capable of doing the same execution at sea, with one half the weight of metal that we are, it does not require the gift of prophecy to judge of the consequences.

In another account we had from Paris, July 4, 1750, “The sieur Dedorean, master of the iron-works in Picardy, has found the secret of completing a sort of cannon, by the help of which very extraordinary execution may be done, far superior to any thing of the like kind. It is composed of hammered iron plates, soldered together, which make the piece lighter than ordinary, without being subject to burst; or, if by accident it should fly, it may be immediately repaired on the spot, with the help only of the hammer and solder.”

Monsieur de la Valiere, lieutenant-general of the artillery, very much commends this invention, a proof of which was to be made in the arsenal; and the inventor was in hopes that he should be able, with the assistance of one man only, to forge and complete fifty of those guns in a year.

Were other nations agreed to lay aside those instruments of violence, so horribly destructive of the human species, we might then, with equal safety, lay them aside also; but, as self-defence and preservation render it necessary to be upon a level with our enemies, improvements of the like kind should not be neglected on our part.

As artillery comes under the article of arms and utensils of war, &c. it is proper to observe, that it cannot be imported without licence from his majesty; and, if otherwise, the whole is not only forfeited, but treble the value. 1 Jac. II. cap. 8. sect. 2.

Such licence being obtained, except for the furnishing of his majesty's public stores, is void, and the offender incurs a præmunire, and is disabled to hold any office from the crown. See AMMUNITION and ARMS.

ARTOIS, a country in France, is bounded by Flanders on the north, and partly on the east, on which side it borders also on Hainault and Cambresis, and it is bounded by Picardy on the south and west. The chief trade of this country consists in corn, flax, hops, wool, oil of cabbage and turnep-seed, and linen cloth made at *Bethune, Aire, St. Venant, La Gorgue, Bapaume*, and in their neighbourhood, which is the chief manufacture they have in Artois. The city of *Arras* is inhabited by wealthy traders and artificers, who make sails and tapestry hangings, especially the latter, which art was invented here. The people of *St. Omer* have some trade, several small vessels coming up here from the sea, through Gravelines, by the river Aa. At *Bethune*, is made an excellent sort of cheese, and sold in all the neighbouring countries. It is a place of some trade, and has two annual fairs.

ARUM, *wake-robin*, or *cuckow-pint*. Dr. Tournefort ranges this genus of plants in the first-section of his third class of plants, intituled, “Herbs with an anomalous or cowed flower of one leaf.” The whole structure of the flower in this genus is very singular.

It grows naturally on the sides of banks, and in shady places, in most parts of England, flowers in April, and the seeds are ripe in July, when they are of a deep orange-colour. The roots of this plant are used in medicine. They are full of acrimony; so that if a person taste it when it is in vigour, it will bite the tongue the whole day; and in this acrimony consists the virtue of the root; therefore those who make use of it should take up the roots soon after the seeds are ripe, when they are inactive and firm; and the roots which are at that season taken up, will retain their pungency the whole year; whereas those which are gathered in the spring, when the leaves are fresh, will shrink up in a few days, and lose all their virtue.

Arum is recommended for cutting viscid phlegm in the asthma: it strengthens the stomach, expels the acid adhering to its *plicæ*, and is good against agues and the scurvy. Its acrimony is fixed by infusing the root in

vinegar, whence it is endowed with a diuretic salt, of good efficacy in falls from high places.

ARUNDEL, west longitude, 30 min. latitude 50 deg. 45 min. a town situate on the river Arun, in the county of Suffex, fifty miles south-west of London, and ten miles east of Chichester.

By an act made 6 Geo. II. cap. 12. sect. 1. The mayor of Arundel and others are appointed commissioners to improve and preserve the harbour of *Arundel*; and it shall be lawful for the commissioners, or any one of them, to erect piers and other works.

SECT. 2. There shall be paid to the commissioners the duties following, viz. for every chaldron of coals, grindstones, or other goods paying duty to the king by the chaldron, which shall be exported or imported in the said port, 1 s. for every ton of salt, and other goods paying duty or freight by the ton, 1 s. for every load of timber, waincot, trenals, or other converted timber, 1 s. for every load of bark; 2 s. for every hundred of spars, ufirs, pipe, hogthead, or barrel-staves, 1 s. for every hundred of single deals, 1 s. 6 d. of double deals, 2 s. of three-inch deals, 2 s. 6 d. for every quarter of wheat, clover, and other grains and feeds, 3 d. for every load of flour or meal, 1 s. and of bran, 6 d. for every hogthead of wine or other liquors, 1 s. of sugar and dry goods, 9 d. for every tierce thereof, 6 d. and for every barrel of pitch or other goods, 4 d. for every bundle, bale, and chest of hemp, linen, woollen, glass, fruits, and earthen ware, 1 d. per hundred weight; for every hundred weight of allum, and goods paying duty or freight per hundred weight 1 d. for every hundred feet of paving stone or marble, 2 s. for every thousand of tiles, bricks, or clinkers, 1 s. for every gross of bottles, stone, or glass, 3 d. for every barge, or other craft, passing through each lock, 1 s. for all goods not enumerated, one twelfth of the usual freight from London to Arundel; for every British ship, which shall load or unload, fishing-vessels excepted, 3 d. per ton, according to their bills; for every British ship, which shall sail into the harbour, and shall neither load nor unload there, 1 d. 2 q. per ton; for every foreign ship, and for all goods, imported and exported in foreign bottoms, double duties.

SECT. 3. No ship shall be cleared at the custom-house, till the master produces a certificate that the duties are paid or secured, &c.

SECT. 8. When it shall appear to the justices, and be certified by them, that the commissioners are reimbursed the monies borrowed, one half of the duties shall cease.

SECT. 10. All ships in the port of Arundel are to moor and ballast in such places as the masters shall be directed, &c.

SECT. 15. This act shall be a public act, &c.

AS, in antiquity, sometimes means a particular weight, in which sense the Roman *as* is the same as the *libra*, or Roman pound, consisting of twelve ounces. Sometimes it signifies a Roman coin, which was of different matter and weight, according to the different ages of the commonwealth; therefore Varro derives the word *as* from *æs*, because this piece of money was first made of copper of a pound weight; and *as*, *æs*, *pondo*, and *mina*, among ancient authors, generally pass for the same. It is also used to signify an integer, divisible into twelve parts, whence comes our word *ace* or *unit*; and for this reason, some will have *as* derived from the Doric *ais*, for *eis*, one.

As, also signifies at Amsterdam the division of the pound, avoirdupoise weight: thirty-two *as*'s make an *engel*, ten *engels* a *loot*, and thirty-two *loots* a pound.

ASARUM, Offic. Ger. 688. Raii Hist. 1. 207. Tourn. Infl. 501. Boerh. Ind. A. 2. 95. *Asarabacca*. This plant is by some called *wild nard*; it has leaves like ivy, but much thicker and rounder. The flower grows in the middle of the leaves near the root, and is of a blue colour, resembling that of henbane, and inclosing a seed like a grape-stone. The roots are numerous, jointed, slender, running obliquely, resembling those of dog's-grass, but much slenderer, of a fragrant smell, and taste very hot and biting upon the tongue. The roots are heating, diuretic, and emetic, and are good in a dropfy, or inveterate sciatica; they also provoke the menses. Six drams thereof, taken in hydromel, purge like white hellebore. They are also an ingredient in ointments.

ASBESTOS. See AMIANTUS.

ASCII, in geography, the inhabitants of the torrid zone; so called because twice a year they have the sun at noon in their zenith, and consequently their bodies then cast no shadow.

ASCLEPIAS, Tourn. Infl. R. H. 93. Tab. 22. Raii Meth. Plant. 78. Lin. Gen. Plant. 270. Swallow-wort, or tame poison; in French, *dompte-venin*; in Latin, *vinetoxicum*. This plant is found growing naturally in rough uncultivated places in France, Italy, and Germany; and being a medicinal plant, is kept in the English gardens. The root of this plant, which is the part used in medicine, is esteemed a good counter-poison, and is prescribed for malignant peccilential fevers.

ASEM, AZEM, or ACHAM, a kingdom, and one of the best countries in the East-Indies, is rich in mines of almost all sorts of metals, such as gold, silver, lead, iron, &c. It also produces a large quantity of coarse silk, and the best lacque in all the world. All the mines belong to the king, and the gold is prohibited exportation, though the silver coin makes an article in trade, and may be carried off by strangers. Another branch of commerce, and that no small one, consists in bracelets and collars for the arms and legs, of which they use great quantities themselves, and send as considerable into the kingdom of Boutan. This kingdom is bounded by Independent Tartary and Boutan on the north; Tipra on the south; part of China on the east; and of Mogul on the west, from which it is divided, according to some maps, by the river Arracan.

ASH. See TIMBER.

ASHES, the terrene or earthy part of wood, and other combustible bodies, remaining after they are burnt or consumed with fire.

Ashes are properly the earth, and fixed salts of fuel, which the fire cannot raise, all the other principles being gone off in the smoke.

Ashes of all sorts contain in them a very rich fertile salt, and are the best manure of any for cold or wet land, especially if kept dry, that the rain does not wash away their salt: one load of *ashes* kept so, will go as far as two that get wet. But, as rain-water diminishes their salt, so the moistening them with chamber-lie, or soap-suds, will add greatly to their strength. Two loads of those *ashes* will manure an acre of land better than six loads of those that are exposed to rain, and not so ordered, which is the common allowance for an acre.

Mr. Switzer, treating of the superficial dressing of corn and meadow-land, as being of excellent use, by giving a new ferment to such lands as are in any degree sluggish and inactive, and enriching those that are jejune and slow, very much recommends *ashes*, as being endowed with singular qualities for rendering them prolific.

Coal-ashes: by those are meant the *ashes* of Newcastle, Scotch, and other pit-coals, the former of which he prefers to the latter, as containing a greater quantity of nitrous and sulphureous matter than the others, though the rest are all good; for there is scarce any vegetable but what will receive benefit from them, if they are applied superficially, and not too near the roots.

ASHES, called *pearl-ashes*, of the product of Germany, may be brought from thence, paying duty as *pot-ashes*. 10 and 11 Will. III. cap. 21. sect. 30.

Pot-ashes or *pearl-ashes* made in, and imported from the British colonies in America, if regularly entered at the custom-house, landed in the presence of, and examined by the proper officer, and imported in ships which may lawfully trade thither, legally manned, are free of all duties: 24 Geo. II. cap. 51. sect. 1, 2. But the person shipping them in America must, before clearing out the vessel, make proof upon oath before the collector and comptroller of the customs, and naval officer (or any two of them) at the port where they are shipped, that they are *bona fide* of the product and manufacture of the British plantations in America, expressing the quantity and the place where made, and by whom. The person taking charge of the vessel must bring with him a certificate from the said officers, under their hands and seals of office, expressing the marks and number of the packages, the weight and tale of the *ashes*, and the names and places of abode of the exporter, and the person who has sworn to the product, &c. and deliver it, at or before entry, to the chief officer of the customs at the port

port of importation, and make oath before him, that the casks and parcels, and goods in the certificate, are the same as were taken on board his ship in the British plantations in America. 24 Geo. II. cap. 51. sect. 3.

On failure of any of the conditions and directions before-mentioned, they are liable to pay duty as before. 24 Geo. II. cap. 51. sect. 2, 3.

Officers falsely making such certificate, forfeit two hundred pounds, and their offices, and are incapable of serving his majesty; and any person falsely making an oath required by this act, incurs the punishment of wilful and corrupt perjury; counterfeiting a certificate, or knowingly publishing such a one, the punishment of forgery. 24 Geo. II. cap. 51. sect. 5.

Foreign entered as British plantation, or mixed therewith, to evade the duties, the whole forfeited, with the package; and the persons entering or mixing, or causing such entry or mixture to be made, forfeit fifty pounds for every offence. 24 Geo. II. cap. 51. sect. 4.

In case of any dispute about the product and manufacture, the *onus probandi* to lie on the owner or claimer. 24 Geo. II. cap. 51. sect. 8.

Penalties and forfeitures may be prosecuted in any court of record at Westminster, the court of exchequer in Scotland, or courts of admiralty in the British plantations in America; to be divided in Great-Britain, half to his majesty, and half to the person who sues for it: but if incurred in America, one third to his majesty, one third to the governor, and one third to the person who sues for it. 24 Geo. II. cap. 5. sect. 6, 7.

White-ashes may not be shipped, nor conveyed towards part beyond the seas, upon forfeiture of six shillings and eight pence *per* bushel. 2 and 3 Edw. VI. cap. 26. sect. 1.

ASHLAR, a term used by builders, by which they mean common free-stones, as they come out of the quarry, of different lengths and thickneses. Nine inches is the common thicknes.

ASHLERING, with builders, quartering to tack to in garrets about two feet and a half, or three feet high, perpendicular to the floor, up to the under-side of the rafters.

ASIA, is allowed to be, in all respects, by far the most considerable part of the world, and though our innate fondness for our own country makes us give the preference to Europe; yet *Asia* has many singular advantages, which may justly intitle it to the first rank.

It was in *Asia* that the great Author of Nature planted the delicious garden of Eden, in which he placed the first man and woman, from whom the rest of mankind were to spring. *Asia* became again the nursery of the world, after it had been destroyed by the flood, from which the descendants of Noah dispersed their various colonies into all other parts of the globe. It was in *Asia*, that God made choice of the delicious Canaan, to place his favourite nation the Hebrews in. It was here that the great and merciful work of our redemption was accomplished by his Divine Son; and it was from hence that the light of his glorious Gospel was carried into all nations, by his disciples and followers. Here it was that the first Christian churches were founded; the first councils held, the first bishopricks erected, and the Christian faith miraculously founded, promulgated, and watered with the blood of innumerable martyrs. Lastly, it was in *Asia* that not only the first edifices were raised, and the first cities built, but likewise where the first kingdoms and monarchies were founded, whilst the other parts of the world were, if at all, inhabited only by wild beasts.

Nor are these advantages the only this part of the world has over the other three; but it exceeds them in the largeness of its territories, the richness and fertility of its soil, the serenity of its air, the deliciousness of its fruits, the salubrity of its drugs, the fragrant and balsamic quality of its plants, spices, and gums; the quantity, variety, beauty, and value of its gems; the fineness of its silks and cottons; the richness of its metals, and many more of the like nature: upon all which accounts, it was always esteemed so charming and delightful an abode, that it was the constant seat of the greatest monarchies in the world. It must be owned, indeed, that since the Turks, enemies to science, politeness, and liberty, have been masters of so considerable a part of it,

it has quite therein lost its ancient splendor, and from the most polite and fruitful spot in all *Asia*, is become a wild uncultivated desert, and only considerable since that time for the rich commodities it affords; on which account it is still visited and resorted to by merchants of other nations. But those who have escaped the Turkish tyranny, are still in a flourishing condition, which is rather to be attributed to the richness of the soil, than the industry of the inhabitants, who are justly censured for their natural indolence, effeminacy, and luxury.

This effeminacy is chiefly owing to the warmth of the climate, though perhaps heightened by custom and education, and the symptoms of it are more or less apparent, as they are seated nearer or farther from the north. It is plain that the southern climates are not productive of such robust natures as the northern; whence it may be inferred, that those Asiatics, who live near the same latitude with us, cannot be much inferior to us in this respect; at least, it appears that several of them, particularly the Turks and Tartars, are men of as much strength and courage as any we know of. As to those who live in the more southern regions of *Asia*, what is wanting in the robust frame of their bodies, seems, in a great measure, made up to them by the vivacity of their minds, and ingenuity of various kinds of workmanship, which our most skilful mechanics have in vain tried to imitate. Whether the reflection commonly cast on all Asiatic nations be altogether just, that they are naturally excessive admirers of monarchy, we will not pretend to determine, their princes having always kept them in such abject slavery, that they never had an opportunity of displaying their love of liberty, which, otherwise, we must suppose to be as natural to them as the rest of mankind. Thus much, however, is certain, that many of those nations, upon the coming of the Dutch among them, could not conceive how it was possible for any nation to live under a republican government, or, indeed, under any other form than a despotic monarchy, which is the only that obtains in all the parts of this extensive division of the globe.

The indifference therefore with respect to virtue, of the Asiatic nations under a despotic monarchy, or under such an empire as the Turkish; their ignorance and abject state of mind, are the necessary consequences of their form of government, and must always have a tendency to bring on its dissolution. How can slaves, educated under the menacing brow of a master, stifled, at the approach of a hardy enemy, the habitual sensations of fear they have contracted from arbitrary power? How can men so debased, without elevation of mind, accustomed to trample on the weak, and to cringe before the powerful, avoid yielding to the magnanimity, the policy, the valour of a bold enterprising people? How can dastardly slaves resist a free and powerful nation? The tyrant, to make use of arbitrary power with impunity, is forced to enervate the minds and courage of his subjects. What renders him formidable at home, renders him weak abroad: with liberty, he banishes from his empire the splendor of all virtues; for virtue cannot dwell in base and servile minds.

The lustre thrown upon such nations as the Turks, is always of short duration. If sometimes they attain to the highest pitch of power and glory, and become illustrious by success of all kinds, this success is more owing to the prowess of the governing chiefs, than to the form of government. It has always been as fleeting as brilliant. The strength of such states, however it may impose upon us, is but an illusion: it is the colossus of Nebuchadnezzar, of which the feet were of potter's clay. These empires resemble the lofty pine, whose top reaches to the heavens, the beasts of the field, and the birds of the air, seeking for shelter under its branches; but being fixed in the ground by too weak a root, is overthrown by the first storm. Such states have but a momentary existence, if they are not surrounded by nations who are but little disposed to great enterprizes, and are likewise subject to arbitrary power. The respective strength of such nations consists, therefore, in an equilibrium of weakness. If a despotic empire has received a shock, and the throne cannot be secured without a manly and courageous resolution, that empire is destroyed.

The people who groan under the yoke of arbitrary power have therefore only a momentary success, a mere flash of glory; and must, sooner or later, submit to a free and enterprising nation. But supposing that particular circumstances and situations save them from this danger, the bad administration of these kingdoms is sufficient to destroy, depopulate, and convert them into deserts; the lethargic languor that successively seizes all the members produces this effect. The property of despotic power is to silence the passions; and when minds have, by being divested of passions, or through the want of them, lost their activity; when they are emaculated by luxury, indolence, and softness, the state then droops into a consumption. The apparent calm it enjoys is, in the eyes of the intelligent, a languid state, which is the fore-runner of its dissolution. Passions are necessary in a nation, and are its life and soul: the people who have the strongest are in the end triumphant. "O happy times (cries Tacitus, under the reign of Trajan) when people obey only the laws, when every one may think freely, and freely tell his thoughts; when every heart flies to the prince, and the sight of him is a benefit!"

In religion the Asiatics shew still stronger marks of stupidity, a great part of Asia being over-run with Mohammedanism, as Turkey, Arabia, part of Tartary, and India. In Persia and the Mogul territories, they profess the same; but are of the sect of Hali, which differs, in some particulars, from the Turks, though both own Mohammed for their law-giver, and the Koran for their divine rule of faith and life. In other parts of Tartary, in China, Japan, Siam, &c. they are generally heathens and idolaters, entertaining strange notions of the Deity, or rather of their deities, and using the most extravagant rites in their worship of them. It may be said, however, that their multiplicity of idols, and superstitious ceremonies to them, are only regarded by the populace, for whom they are chiefly calculated by their priests, in order to serve the purposes of gain; but there are many excellent men, of too philosophical a turn of mind not to despise them in their hearts, whatever countenance they may seem to give them in outward appearance.

Besides these, there are several sects of the ancient Persians, or followers of the great Zoroaster, dispersed all over India, and other parts of *Asia*, who acknowledge but one Supreme Deity, and are distinguished by the title of fire-worshippers, because they worship it under the symbol of that element: these are enemies to all kinds of idolatry, imagery, temples, and the like, which they look upon as derogatory to the Supreme Being, who neither can nor ought to be represented by images, nor confined in temples. The brachmans, reckoned the most considerable amongst those sects, are of a very humane disposition, lead a contemplative life, feed only upon vegetables, and are so far from killing any living animals for their use, or even noxious ones in their own defence, that they build even hospitals for the maintenance of such, especially the domestic, as are decayed through age, accident, or other infirmities.

Asia is situated between 25 and 148 degrees of eastern longitude, and between the equator and 72 degrees of north latitude; and is divided from Europe by the Archipelago, the Black-Sea, and the Palus Mæotis; and thence by a line from the river Tanais, or Don, almost to the river Oby in Muscovy; from Africa, it is separated by the Red-Sea; and from America, by the great South Sea, or Pacific Ocean. It is bounded on the west by the Black-Sea, and the Mediterranean; on the south and east by the Arabic, Persian, Indian, and Chinese oceans; but how far it reaches that way is not known; and on the north by the Frozen Ocean; so that almost on every side it is surrounded by the sea; only it must be observed, that its limits northwards were not discovered till the reign of the late Czar Peter the Great, from whose survey a map of all Russia was afterwards printed at Amsterdam. According to which, this northern sea begins at a little beyond the seventieth degree of latitude, and extends eastward from Greenland along the coasts of Muscovy, Siberia, &c. till it joins the Oriental, or Japanese Sea; yet how far it may reach northward is not yet known with any certainty.

Asia comprehends to the amount of about thirty-nine

monarchies or sovereignties, four of which are styled entire empires, as Persia, the territories of the Great Mogul, China, and Japan; the most considerable share of two other empires, as Turkey and Russia, is in Europe. It has next to these thirty-three kingdoms, twenty-four of which are on Terra-Firma, and the other seven in islands.

Of the inland kingdoms are those of, 1. Yemen, and 2. Sartach, in Arabia; 3. Vizapor; 4. Golconda; 5. Bishnagha; 6. Calicut, and 7. Cochin, in the peninsula on the other side the Ganges; 8. Siam; 9. Cambaya; 10. Ava, or Pegu; 11. Acham; 12. Aracham; 13. Tunguin; 14. Cochin-china, and 15. Jaos, or Liaos, in the peninsula on the other side the Ganges; 16. Barantola, or Lassa; 17. Neckbat; 18. Cogua, or Great Thibet; 19. Nangu; 20. Little Thibet; 21. Kalghar; 22. Corea; 23. Samarcand, and 24. Becha, in Great Tartary; 25. Mingrelia, and 26. Imeretia, in Georgia.

The insular kingdoms are, 1. the Maldivia isles; 2. Candi, in the isle of Ceylon; 3. Achem; 4. Mataran; 5. Borneo, in the islands of those names in the Sound; 6. Macassar, and 7. Ternate, in the Molucca islands.

Besides these, we may reckon three dominions established here by the Europeans, as 1. of the Spaniards in the Philippine islands; 2. Of the Portuguese in Goa, and other coasts of India; and, 3. Of the Dutch in Batavia, Java, Ceylon, and other isles and coasts. To these we may add the English, French, and Danish settlements, particularly on the coasts of Malabar and Coromandel, with some independent ones, or, as they are called, vagrant nations; because they have no settled abode, but move their tents from place to place, as occasion offers, or fancy leads: the most considerable of these are the tribes called Bengabres, Bedwins, and some others in Arabia, and the Kalmucks in Tartary, who live in hords independent of each other.

It might seem an endless task to enumerate the different tongues and dialects, which are spoken in this vast extent and variety of nations; and yet it may be said, in general, that *Asia* has by far the fewest of any other part of the world. This is chiefly owing to its vast overgrown empires, which commonly strive to introduce an uniformity of language amongst their respective subjects. The principal are the Arabic, Persian, Tartaric, Chinese, Japanese, Malayan, and Malabaric. As for the European languages, as well as some of the learned, they are known to few of the natives, and are only used by those foreigners who have introduced them for their own convenience.

There must be a great variety of climates in *Asia*, as it extends quite from the equator to the polar circle, and beyond, or, for aught we know, even to the pole itself; for it comprehends all the temperate, the greater half of the torrid, and good part of the frigid, zones; so that it enjoys no less than twenty-four climates: yet, upon the whole, if we except some parts of Arabia and Tartary, and some of the more northern tracts, the whole country is rich and fruitful, and some parts of it exceedingly so. Next to America, it is the largest quarter of the four; its length from east to west may be computed at 4800 miles, some say 6000; and its breadth, as far as it is known, from north to south, 4300.

In the division of this part of the world, it may be considered with respect only to the different dominions it is at present subject to; as, 1. Turkey; 2. Persia; 3. India; 4. China; 5. Russian Tartary; and, 6. The Islands. It may, indeed, be here objected, that Tartary is not under one government; that India beyond the Ganges is independent of the Great Mogul, as Arabia is also of the Turks, and that Georgia, Mingrelia, &c. are subject partly to the last, and partly to the Persians, and consequently, that each should be divided into their respective parts. But we think it more eligible to avoid clogging the reader's memory with too many distinctions, to lay down the following general view of the whole.

1. TURKEY in *Asia*, is divided into Western and Eastern. The Western comprehends Anatolia, or Asia-Minor, Syria, Palestine, and the Turkish Arabia. The Eastern contains Diarbeck, Turcomania, and Georgia. They all lie from south to north.

2. PERSIA, is divided into Northern, Southern, and Middle. The Northern contains the provinces of Schirvan, Gilan, Chorasan, &c. the Southern, Cusistan, Fars, Kirman, Macran, &c. the Middle, Erack, Sabblestan, Sigestan, &c. All lie from west to east.

3. *Asiatic* RUSSIA comprehends part of Great Tartary, Siberia, and Samoiëda.

4. CHINA is divided into North and South, the former of which contains the six following large provinces, including Leaotung without the great wall; as, Leaotung, Pekin, Xantung, Xanfi, Honan, and Xenfi. The Southern contains the ten following; as, Nanking, Chikiang, Kiangfi, Tokien, Huguang, Quantung, Suecheen, Quicheu, Quanfi, and Junan. All these extend from east to west.

5. JAPAN, and the land of Yesso.

6. The *Mogul Empire*, in which are many petty kingdoms; but chiefly those of Delli, Agra, Cambaia, and Bengal, so called from their several capitals. The two first are inland, the others on the coasts.

7. INDIA comprehends, 1. The peninsula within the Ganges, containing the kingdoms of Decan, Golconda, Bijnagar, and Malabar, which are situated mostly northward; 2. The peninsula beyond the Ganges, containing those of Pegu, Tonquin, Cochinchina, and Siam, which last is subdivided into Martaban, Siam, and Malacca. They lie from north to south.

The *Asiatic* ISLANDS are divided into two classes, viz. 1. Those in the Indian Ocean, which are Ceylon, the Maldives; the Sunda Islands, as Sumatra, Java, Borneo, &c. the Spice Islands, as Banda, &c. the Moluccas, as Ternate, Timor, &c. those of Amboyna, Ceram, Gilolo, &c. 2. Those on the Eastern Ocean; as the Ladrões, Formosa, and the Philippine Islands.

ASLANI, called also, but somewhat improperly, *assellani*, is the Dutch dollar or piafter, which is current in all the ports of the Levant.

The Turks, who call a lion *aslani*, have given that name to this coin, because there is the figure of a lion struck on both sides of it.

There are two sorts of *aslani*, that of Holland, and that which is struck at Inspruck, in the county of Tyrol. The Dutch dollar is not only of an inferior degree of fineness to that of Inspruck, but, if we may believe Sir John Chardin, so famous for his travels, the money or coin which the Dutch carry to the Levant, is very much mixed with false pieces; the quarter piafters, chiefly, are either intirely counterfeit, or have at most but one half of fine silver. The Arabs, who mistake the lion for a dog, call them *abukesbi*. The *aslani* is worth from 115 to 120 aspers, and sometimes but 80 aspers. The leewen daelder, or lion piafter of Holland, is sometimes equal to the current piafter, and is sometimes worth $33\frac{1}{2}$ per cent. more, as it was towards the end of December, 1729, when the agio of the piafters of eight reals was 65 per cent.

ASPALATHUM, in pharmacy. See RHODIUM.

ASPE'E, a corn-measure in Lyonnois and Mâconois in France. It is also said about Lyons of certain quantity of wine, which is an ass's load.

ASPER, a small silver coin, current among the Turks; its value is something more than that of an English half-penny. When good, 120 of them are given for a French crown of sixty sols (worth about 32 d. English) but as there are a great many false *aspers*, which the bashas and the Jews cause to be struck in the remote provinces, they are seldom received but at the rate of four deniers per *asper*, so that 160 make a French crown. The parats, or meidins, are worth three aspers.

Estimate of the value of the several coins current in the grand seignior's dominions, according to the asper, reckoning the asper at the rate of six deniers French.

120 *aspers* are worth 60 sols of France.

A sequin of Venice and Turkey, 414 *aspers*, or 10 liv. 10 sols, French.

The piafters of Peru and Mexico, of 506 grains French weight, go for 208 to 210 *aspers*.

A rial, or rix-dollar of the empire, 82 *aspers*. In 19.

proportion to the sequin, this ought to be about 130 *aspers*.

The Dutch rix-dollar, 70 *aspers*, ditto 200 *aspers*.

ASPER, is also a money of account, and books are kept at Constantinople, and in all the ports of the Levant, in piafters, or abouquelb, meidins, and *aspers*.

ASPHALTOS and *Bitumen Judaicum*, Offic. *Jew's pitch*. The *asphaltum* of Dioscorides, and *bitumen Judaicum* of the shops, called *karabe* and *gummi funerum* by Serapion, and by others *mumia*, is a solid, brittle, ponderous substance, of a red, blackish, or dark colour, easily inflammable, and of a strong bituminous smell, especially when warm, and fusible by fire. It is found in several parts; but the best is that which comes from Judæa, where it is gathered on the Dead-Sea, called from hence the *Lake Asphaltites*. It is probable that a great quantity of this bitumen rises from the bottom of that lake to the surface of the water. At first it is so soft, viscid, and glutinous, that it cannot without difficulty be separated from any part which it touches, but in time it grows harder than pitch; and, from the place where it is found, it is called *karabe* of Sodom; *karabe* being often used by the Arabs to denote any solid bitumen, and the Dead Sea being the lake where Sodom stood. The names of *gummi funerum* and *mumia* were given it, because the common people among the Egyptians used it in embalming and preserving dead bodies. The true *bitumen Judaicum* is seldom brought to us; for Dioscorides directs us to make choice of that which shines like purple, and to reject the black kind as being foul, and of small value; but all we see of that kind is black: though even that, when broken in pieces, appears, against the light, to be of a saffron-colour; and therefore it is possible this may be the same kind recommended by Dioscorides, only boiled to a hard consistence in brass kettles, before it is sent to us.

It is of a discutient, emollient, and agglutinating quality. It dissolves coagulated blood, and promotes the menstrual discharge. It is an ingredient in the Venice treacle, and in the embalming powder of Charas. *Geoffroy*.

ASPHALTUM, is also a bituminous stone found generally near the ancient Babylon, and is used in the composition of cements for joining stone or brick-work under water, being impenetrable. A mine of this was found since the beginning of this century, in the county of Neufchatel in Switzerland.

This mineral *asphaltum* has several properties; 1. Being prepared with other matters, it makes an excellent cement, which neither the air can corrupt, nor water penetrate; 2. With the oil of it, which is easy to extract, is made a sort of pitch, proper to caulk ships and vessels with, both for sea and rivers, and preserves them better from worms, and more effectually resists the impressions of salt or fresh water than any other caulking commonly used; and with this it seems of late, the French caulk much of their shipping, to their great advantage; 3. Finally, its oil used alone, or mixed with some topical remedies, has several particular properties, which make it to be used with success in several medical and chirurgical cases, for the cure of several external distempers, especially ulcers, and all cutaneous diseases.

The *asphaltum* of Switzerland differs from that of Judæa, in that it is of a dark colour, like roasted coffee, more mixed with earth, and less shining. By its smell and weight it resembles very much the pissasphaltum of the ancients, which is a fossil pitch.

It is very probable that the bitumen, with which Herodotus, and all the ancients after him, thought they had made the cement of the stones of the celebrated walls of ancient Babylon, which were reckoned among the seven wonders of the world, was nothing but the *asphaltum* of Lydim, a valley near Babylon, which was simply called bitumen, on account of the bituminous and oleaginous quality of the cement which they made with it.

The place in the county of Neufchatel, from whence *asphaltum* is taken, is a mountain called Val-Travers. M. de la Sablonniere, who has still the exclusive privilege of importing it into France, duty free, gets large

quantities of it every year from the mine. Besides the above-mentioned uses it is put to, they make particularly a perfume of it, by sprinkling it on live coals. This perfume is excellent for the cure of rheumatic pains, and for purifying stables from bad air, occasioned by the distempers of cattle. Several trials have been made of this, which saved the lives of many cattle during the contagious distemper that had began to rage in that country.

ASPIC. There is an oil called by the French oil of aspic, drawn from a plant which C. Bauhine calls *lavedula latifolia*; but to which J. Bauhine gives the name of *pseudonardus*, and the French that of *aspic*. This plant is commonly found in all parts of Provence; and when it produces its flowers, they put them, when almost dry, into a large still, with a great deal of water. After a maceration of some days, they distill the whole, upon which there comes over, along with the water, an oil of a yellowish, or amber colour; and this is the oil of *aspic*, pure and unadulterated, as it ought to be. The flowers are to be chosen for this purpose, rather than any other parts of this plant, because they contain the largest quantity of essential oil; and, indeed, upon strict observation, we find that the cup of the flower contains almost all the oily parts of the plant. *Mem. de l'Acad. 1715.*

The oil of *aspic* is used by painters in the mixing of colours, farriers, and other artificers; and is likewise of use in medicine. It is very inflammable, and when once on fire, it is almost impossible to extinguish it.

ASS, a well-known animal, which, though slow, lazy, and dull, is patient, proper to work hard, and to carry or drag heavy weights. The largest and strongest of those animals are chosen for stallions, to leap mares, which are designed in studs for breeding mules; and some of those mules are so highly valued, that they are sold even dearer than the finest horses.

ASSA-DULCIS. See BENZOIN.

ASSA-FETIDA, the concrete juice of the root of the Hingisêh, or the *assa-fetida* plant. *Kamp. Amant Exot.* It is brought to us in large masses, from Persia and the East-Indies. It is a compact, gummy-resinous substance, soft and pliable like wax while new, composed of various little shining lumps or grains, which are partly of a whitish colour, partly reddish, and partly of a violet hue. It smells like garlic, but much stronger, and has a bitter, acrid, biting taste. Those masses are accounted best, which are clear, of a palish red, and variegated with a great number of elegant white tears. When it first exudes from the wounded root, it is liquid and white, like milk; but upon being exposed to the air, grows of a brownish colour, and gradually acquires different degrees of consistency. It loses with age of its smell, and likewise of its strength, a circumstance to be particularly regarded in choosing this medicine. The purest white tears, being fresh cut, are of a yellowish-white colour, which, in a little time after, changes to a fine red, tending to a violet. This drug does not intirely dissolve, either in an aqueous or a spirituous menstruum, but somewhat more is taken up by the former than by the latter. Digested in proof spirit, a turbid solution is obtained, which passes the filter, and upon examination is found to participate largely of the *assa fetida*. With rectified spirit, a transparent tincture is extracted, which smells very strong, but does not appear to hold so much of this juice as the former. Put on a red-hot iron, it melts, emits a strong smelling fume, catches flame, and burns almost intirely away, leaving but few ashes.

Assa fetida is an excellent remedy in all hysteric disorders, whether only smelled to, or mixed with what is taken inwardly. It is also reckoned a good sudorific, and strengthener of the stomach. The dose is from twelve grains to half a dram, but with a view to the stomach only, it must be given in smaller doses. Externally it is a good rescolvent. *Geoffroy.*

ASSAYING, a corruption by the workmen of the word *assaying*, derived from the French *essayer*, to try, is the art of separating metals, semi-metals, sulphurs, and mineral salts from each other, and from other bodies mixed with them, so that it may appear what quantity

there was originally of each in the body under trial, or what benefit may be reaped from the extracting of it.

All minerals are the objects of this art; for the bodies aforesaid being seldom found naturally pure, and under their true form, but most commonly mixed and confounded with each other a thousand different ways, and with many kinds of earth and stones, it is proper that the workman should know the nature of all these things, to be able to determine what is requisite for the separation of them.

Method of ASSAYING gold and silver ores.

Take a penny-weight of silver ore reduced to fine powder; and put half an ounce of lead, cleared of its silver, into a flat assay crucible under a muffle in the testing-furnace, with a gentle heat, till the lead has imbibed the powdered ore, at least its metallic part, and separated the more stony matter, in form of a glassy scoria, at the top. Then take out the lump of lead, impregnated with the silver of the ore, and place it upon the test, which has been heating, or nealing, all this while under the muffle; and working with a proper degree of heat, till all the lead is either evaporated, vitrified, or sunk into the test, there will remain a little bead or grain of silver behind; which grain or bead being exactly weighed, and compared with the original weight of the ore, gives the proportion of silver contained in the ore, or determines its richness; and the same method is equally applied to gold ores, sand, or any other matters containing gold, silver, or a mixture of both.

This operation is usually called testing, or cupelling; and exhibits almost the whole art of the assay-master, or refiner. We see the process consists of two parts; viz. imbibition and separation; for this lead is first made to drink in all the silver from the ore, and then the same lead is intirely separated from the silver. And in this manner also are assays taken of silver coin, or any mixtures of the nobler with the ignobler metals: for, when the operation is exactly performed, no other metals, besides gold and silver, will be left upon the test.

The physical reason of the present process deserves to be inquired into. The laws or principles whereon it depends are these: 1. When the imperfect metals, or other minerals, are added to melted lead, some of them will not enter into it, but remain floating on its surface, in form of a hard scoria; which is the case with iron. 2. Others enter it, but gradually emerge again; as tin. 3. Others totally exhale, as regulus of antimony and arsenic. 4. Others again burn to ashes, or run into glass, along with the lead, as does copper. But, 5. neither silver nor gold, is capable of flying off, burning to ashes, or turning to glass, by being detained in melted lead: whence these two metals, of course, remain pure, and separated from all the rest, at the end of the operation. And then we find, that the gold and silver remain, all the time, mixed among the lead, without going into glass, continually sunk down from the shelving sides of the test, towards the bottom of the hollow, along with the lead, which being at length totally consumed, and the fire unable to keep silver or gold melted, without some addition of lead, the silver and gold, if any, necessarily grow rigid, and fix in a small grain at the center of the test.

Method of separating gold from silver by quartation.

Take a mixed mass of gold and silver, melt it with three or four times its own weight of pure silver, and, when cold, beat it into a thin plate, which put into a glass of proof *aqua fortis*, set in warm sand. By this means the silver will be soon dissolved, and the gold precipitated to the bottom in a black powder. Decant carefully this solution of silver, and add a little fresh *aqua fortis* to the gold, setting it in a heat somewhat stronger than before, in order to dissolve any remains of silver in the gold-powder. Then, the *aqua fortis* being again decanted, wash the gold well in several parcels of fair water. Put the gold powder into a small cupel, and place it under the muffle in the setting-furnace till it become yellow. Then, weigh the gold, in order to determine

termine its proportion to the silver. Lastly, precipitate the silver out of the *aqua fortis* by suspending a copper-plate therein, wash the calx, and reduce it to its native form in the same manner.

The reason for adding three or four times the quantity of silver, in proportion to the mixed mafs, is for fear the mafs should contain too much gold to be fit for the operation; or to spread the gold contained in the mafs, and diffuse it so thinly, that it may not defend the silver, as it would otherwise do, from the action of the *aqua fortis*. And, upon account of this addition, it seems to be that the operation is called *quartation*.

But there are certain workmen of late who have the method of separating gold from silver, to much greater advantage, without the use either of *aqua fortis* or *aqua regia*, but barely by a dextrous application or management of the fire; at least without any costly additions. This method is kept a secret; but may, perhaps, be no other than that published by M. Homberg, in the *Mem. de l'Acad. Roy. des Sciences*, which consists in fluxing the mixed mafs of gold and silver with equal parts of rough nitre and deprecipitated sea-salt, placed at the bottom of the melting-pot; whereby the operation in the large way may be finished in a quarter of an hour; the gold by this means falling to the bottom, and leaving the silver suspended or detained in the salts.

Though this art more particularly concerns those tradesmen and artificers who purchase those metals for sale, and refine them to the proper standard, for their working up into utensils; yet, as our silver and gold are imported by merchants, from foreign countries, it is requisite that they should know something of the nature of *assaying*; for in their dealings in bullion or silver, or in foreign coins, they may not always have justice done them, unless they deal with our refiners in Foster-lane; whom, I will presume to say, are gentlemen behind none in the kingdom, for distinguished honour and integrity in their way of business.

Nor is this matter of *assaying* any way troublesome, expensive, or mysterious; a small apparatus will perform the whole; and, for its curiosity, might prove an agreeable amusement, was there no private advantage likely to attend it.

The methods employed for the purposes of *assaying* are now all over Europe pretty much the same; but should never be trusted, unless, at least, two or three experiments made at the same time, by the same, or different persons, agree in the same report.

And, perhaps, in all natural philosophy, chemistry, and metallurgy, there is not an experiment which requires greater skill and accuracy than these experiments in the art of *assaying*, so as to be depended upon: nor, indeed, can such precision as is here required be well expected, but from those who are acquainted with the rapacious nature of many volatile mineral fumes; and the methods of so retaining them, to prevent their carrying off the nobler metals upon the test.

To assay in perfection requires also a knowledge of the relations and differences of all the metals with regard to each other, and particularly to lead and antimony. As this art therefore requires so much judgment and delicacy, in order to practise it with success; hence doubtless proceeds the difficulty we find in procuring a true assay to be made upon any uncommon ore or mineral substance; for the art of *assaying* is extremely backward in admitting of improvements, as if it were to descend unaltered from one generation to another.

Was the due use and importance of this art more generally attended to, the proprietors of all kind of mines and mineral matters, and all who are any way concerned in metals, would assuredly reap their advantage by it. For this is certain, that if, by the repeated assay, the ore promiscuously taken yields such a quantity of metal, the same quantity in proportion may be got out of the same ore, in the large way of working: so that the accurate assay is a criterion to the private gentleman, to know whether his workmen are skilful in this operation, or whether they defraud him in the produce of his metal.

It is however true, that if the same method of operation is not made use of in the large way of smelting ores, as is practised in making of the small assay, the yield of

the ore in the large way may not come up in quantity in the proportion to what the assay indicated: this is a known maxim to those who have been concerned in large works. But, if the same method of working is practised in the large way as is done in the assay, the produce of metal in the one will be equal to that in the other. Nay, where there is a great body of ore, as a ton smelted together, it is rather reasonable to think, that a greater quantity of metal, especially of gold or silver, will be produced in the larger way, than in proportion to the small assay; for, if the identical method of operation is practised in the one way as in the other; that is, if the same degree of strength in the application of fuel is duly administered, in proportion to the quantity of matter, &c. the same fluxes used, and the same art exerted in all respects in the great way as in the assay, the yield of metal in the large way cannot be less than what the assay made in the same way exhibited.

To judge otherwise seems to subvert one of the fundamental and immutable principles of nature; as that would be to say, that the same cause will not eternally produce the same effect.

It is rare, indeed, that the same way of working is practised in the great way, as is done in the assay, it being too expensive; and, therefore, from the effect being different, some are led into an egregious mistake, in regard to those operations. It is an advantage to the sellers of ores, to dispose of them according to the most accurate assay that can be made; but it is the reverse to the purchaser, if he buys them by such assays, and works them in great works by a different process, which will not hold him near the like quantity of metal.

When gold and silver are in their full purity, they are rather too soft and flexible, either to be wrought into utensils or coin, without being hardened with an alloy of some baser metal.

To prevent the abuses which some might commit in the making of such alloys, the government, in most countries, have ordained that there shall be no more than a certain proportion of baser metal added to a certain quantity of pure gold or silver, to make them of the fineness of what is called their respective standards.

In England, a pound weight of standard-silver is eleven ounces two penny-weights of fine silver, and eighteen penny-weights of fine copper, which together make twelve ounces, or one pound troy-weight.

Of the troy-weights.

14 ounces	8 penny-weights	= 1 lb. avoirdupoise-weight,
12 ounces		= 1 lb. troy-weight.
20 dwts,	or penny-weights	= 1 ounce.
24 grains		= 1 penny-weight.
20 mites		= 1 grain.
24 droits		= 1 mite.
20 periot		= 1 droit.
24 blanks		= 1 periot.

Of the gold-standard.

One pound, or one ounce of gold, must contain twenty-two carats of fine gold, one carat of fine silver, and one carat of fine copper, which together make twenty-four carats, or one pound, or one ounce of troy-weight. The carat is a term used by refiners, whereby they certify a certain composition of weights used in assaying and computing of standard gold; and this carat contains either the twenty-fourth part of a pound, or the twenty-fourth part of an ounce troy.

A pound carat is thus divided.

12 ounces	= 24 carats.
4 grains	= 1 carat.
4 quarters	= 1 grain.
10 dwts troy	= 1 carat.
2 dwts 12 grains troy	= 1 grain.
15 grains troy	= 1 quarter-grain.

An ounce carat is thus divided.

1 ounce troy	= 24 carats.
4 grains	= 1 carat.
4 quarters	= 1 grain.
20 grains troy	= 1 carat.
5 grain troy	= 1 carat-grain.

And,

And, according to the laws of England, all sorts of wrought plate in general ought to be made to the said standards of gold and silver; and the current price of such standard-gold and silver is the common rule whereby to value bullion, whether it be in mafs, bars, duft, or in foreign coin; but the true value of bullion gold, or silver, cannot be known without being affayed, for the use of an assay is to discover how much allay there is in any bullion, more or less than there is in the standard. If there be less allay in it than there is in the standard, so much as there is less, makes the bullion so much finer, better, and more valuable than standard. If, on the other hand, there be more allay in the bullion than there is in the standard, such bullion will be coarser or worse, and consequently, will be so much less valuable than standard.

The method of getting bullion assayed is thus: you take a slip of paper, about five or six inches long, and about four or five inches broad, and put into it a few grains (the usual quantity) cut off the bullion which is to be assayed, and fold it up, turning in the sides and corners, to prevent its dropping out, and underneath you write down the owner's name.

This paper is carried to his majesty's assay-office in the Tower, or to the company's office in Goldsmith's Hall, or to some noted experienced assay-master. After the same is assayed, if you ask for it in the owner's name, it will be returned to you again, with the gold or silver in it: for which you pay the customary fee.

When you come to open the paper, you will find the assay-master's name and report, wrote by him, much after the following form, viz.

A ——— B ———
Silver for an assay, March 5th, 1766,
W. 12 dwts. Ob.

A ——— B ———
Gold for an assay, March 10th, 1766.
B. 2 gra. $\frac{3}{4}$.

The assay-master always makes his reports of silver in ounces, penny-weights, and half penny-weights; and of gold in carats, carat-grains, and the fractions of a carat-grain; and they commonly write down the quantities, with the numerical letters of the secretary's handwriting. It must be observed, also, that *B* stands for better than standard; *W* for worse; *Ob.* for half penny-weight, and *Sta.* for standard.

When the report of the assay-master is made, and the price of standard-gold and silver is known, it will be easy to judge of the price of that which is better or worse than standard, and to cast up any quantity accordingly. See the articles, ALLAY, GOLD, and SILVER.

ASSAYING of weights and measures, is the examination of weights and measures, by clerks of the markets.

ASSAYER of the king, an officer of the king's mint, for the trial of silver; he is indifferently appointed between the master of the mint and the merchants that bring silver for exchange. 2 Hen. VI. cap. 12. Vessels of gold shall be assayed. 28 Edward I. cap. 20. and 13 Car. II. cap. 5.

ASSAYERS of plate made by goldsmiths, &c. These are for assaying and marking thereof; of whom with their fees, and how the assay-offices are regulated by statute, see 12 Geo. II. cap. 26. and article GOLD-SMITHS.

ASSELANI. See ASLANI.

ASSENT, or CONSENT. To a legacy of goods, the assent of the executor is necessary, before the legatee may take the same; but to a devise of lands that are freehold, it is not required.

The assent of an executor to a devise of a legacy, or of any personal thing, is so necessary, that if the legatee to a devise take the thing without the delivery and assent of the executor, he may have an action of trespass against him. Keilw. 128. Dyer.

But such an assent will not make a devise of a personal thing good, which is void in itself; as for instance, the testator having a term of years, as executor to another, devised it to a stranger, and made his son executor, and died; the devisee entered by the assent of the son, and afterwards he, as executor to his father, re-entered

upon the devisee; and adjudged, that his entry was lawful, because the devise to this stranger was void, for an executor cannot devise that to another which he hath as executor, because he hath it not in his own right, but for the use of his testator; therefore an assent to a void devise must be also void. Plowd. Comm. 525.

The common law takes notice of the assent of the executor to the legacy, and doth give him time to consider of the value of the goods, and state of the debts of the testator, that he may pay a legacy with safety; the executor being to pay debts before legacies. Perk. 570.

No property can be transferred to the legatee, without the assent of the executor; but if the executor doth once assent to the legacy, the legatee hath such a property vested in him that he may take it, though the executor revokes his assent afterwards. And there may be an assent implied, as well as express; as if the executor offers the legatee money for what is bequeathed him; or directs others to the legatee to buy, &c. Plowd. 543. 4 Rep. 28.

In trespass, &c. the case was, that the testator being possessed of lands, which he held upon several leases, some of which were in the diocese of the archbishop of York, and some in peculiar, devised all those leases to his son, and made his daughter executrix, who was then an infant, the mother took out administration *durante minore etate* of the executrix in the peculiar, where her husband died, and granted the residue of the term of the lands there to the plaintiff; the question was, whether the assent of an administratrix, *durante minore etate*, was good to the devise of a term, or whether the assent of the executrix, though an infant, was necessary; the chief justice Anderson held, that an infant at the age of eighteen might assent; but the court doubted, whether the assent of an administratrix was good or not. Cro. Eliz. 719.

The testator being possessed of a term of years, devised the same to his daughter for so many years as she should live, remainder to J. S. and made his daughter's husband executor, and died; the executor some time afterwards declared, that if his wife was dead, his estate in the lands was ended; adjudged, that this was sufficient assent to make him take the term, in right of his wife, as a devisee; but if he had not made such a declaration, he might have taken it as executor, and not as a devisee, and by consequence might have enjoyed it, if he had survived his wife. March 137. Adjudged, that the spiritual court may compel an executor to assent to a legacy, and so may a court of equity. March 97.

ASSESSORS, those that assess public taxes. Two inhabitants in every parish were assessors for the royal aid, to rate every person according to the value of his estate. Stat. 16 and 17 Car. II. There are assessments of parish duties, for raising money for the poor; repairing of high-ways, &c. made and levied by rate on the inhabitants; as well as assessments of public taxes, &c.

ASSETS. All those goods and chattels which belonged to the testator at the time of his death in any part of the world, and which do come to the hands of the executor, shall be assets (from the French *assez*, enough) or sufficient goods and chattels to make the executor chargeable, as far as the said goods and chattels extend, to a creditor or legatee. 6 Rep. 47. *Termes de la ley*.

Assets are real or personal; where a man hath lands in fee simple, and dies seized thereof, the lands which come to his heir, are assets real; and where he dies possessed of any personal estate, the goods which come to the executors are assets personal. Assets are also divided into assets *per descent*, and assets *entre maines*; assets by descent is where a person is bound in an obligation, and dies seized of lands which descend to the heir, the land shall be assets, and the heir shall be charged as far as the land to him descended will extend: assets *entre maines*, is when a man indebted makes executors, and leaves them sufficient to pay his debts and legacies; or where some commodity or profit ariseth to them in right of the testator, which are called assets in their hands. *Termes de la ley*.

Formerly, in the case of assets in the hands of an heir, the law was, that if the heir had sold or alienated the land before the bond was put in suit, (the ancestor having entered into a bond, and died seized of lands in fee)

the debt was lost. To prevent this, by statute 3 and 4 *Will. and Mary, cap. 14. sect. 5.* it is enacted, that "where any heir at law shall be liable to pay the debt of his ancestor in regard of any lands or tenements descending to him, and shall alien the same before any action brought, such heir at law shall be answerable for such debt in an action of debt, to the value of the land by him aliened; in which cases all creditors shall be preferred, as in actions against executors; and such execution shall be taken out upon any judgment obtained against such heir, to the value of the land, as if the same were his own debt, saving that the lands, *bona fide*, aliened before the action brought, shall not be liable."

Sect. 6. "Where any action of debt upon specialty is brought against any heir, he may plead *riens per descent* at the time of the original writ brought, or the bill filed; and the plaintiff may reply, that he had lands, tenements, or hereditaments, from his ancestor before the original writ brought, or bill filed; and if upon issue joined, it be found for the plaintiff, the jury shall inquire of the value of the lands descended, and thereupon judgment shall be given, and execution awarded; but if judgment be given against such heir by confession of the action, without confessing the *assets* descended, or upon demurrer, or *nihil dicit*, it shall be for the debt and damages, without any writ to enquire of the tenements descended."

Sect. 7. "Every devisee made liable by this act shall be chargeable in the same manner as the heir at law, notwithstanding the lands devised shall be aliened before action brought."

By the common law, a trust of lands, descending upon an heir, was not *assets* even in equity; but now by *stat. 29 Car. II. cap. 3.* it is enacted, that if any *celsui que* trust die, leaving a trust in fee simple to descend to his heir, such trust shall be taken to be *assets* by descent, and the heir shall be chargeable with the obligation of his ancestors, by reason of such *assets*, as fully as if the estate in law had descended to him, provided that no heir shall by any kind of plea or confession of the action, or suffering judgment by *nient dedire*, or any other matter, be chargeable to pay the condemnation out of his own estate, but execution shall be sued of the whole estate, so made *assets* in his hands by descent, in whose hands soever it shall come after the writ purchased.

"Estate *pur auter vie* shall be *assets* in the hands of the heir, if it come to him by reason of a special occupancy, and where there is no special occupant, it shall go to the executors or administrators of the party that had the estate thereof by virtue of the grant, and shall be *assets* in their hands."

If a reversion upon a lease for life, with rent reserved, descends to the heir, it is good *assets*. *Br. Assets per descent. pl. 23.*

An annuity is no *assets*, for it is only a *chose in action*. *Br. pl. 26.*

If a manor descends to an infant, and after a tenancy escheats, such land escheated shall be *assets* by descent. *Finch 17. b.*

As to *assets* in the hand of an executor or administrator, all goods and chattels, debts, &c. that are recovered by the executor by action, after the death of the testator, shall be accounted *assets*; but not before they are recovered. For if the executor do never recover, or get a debt into his possession, he shall never be charged; provided he hath used his utmost endeavour to recover it, and cannot do it. *1 Rep. 98. Office of Ex. chap. 6. p. 92.*

Damages recovered for goods taken away in the life of the testator, shall be *assets*. *Lit. 192. 1 Inst. 124. a.*

If an obligee or creditor is made executor, the debt is *assets*; but he may pay himself before any other in equal or inferior degree. *1 Inst. 264. Office of Ex. chap. 2. p. 43, 63.*

If an executor of his own wrong, to whom twenty pounds is owing, doth seize goods to the value of twenty pounds intending to pay himself a debt of that value, this shall be *assets* in his hands to make him chargeable to any creditor or legatee. *5 Rep. 30.*

Though a plantation be an inheritance, yet, being in

a foreign country, it is a chattel to pay debts, and a thing that is testamentary. *Vent. 358.*

A man mortgaged his estate for a term of years; adjudged, that the equity of redemption is *assets*, and so is a term for years to attend the inheritance; so, if the mortgager pays the money to the heir of the mortgagee, he shall not take it as heir, but it shall be *assets* in his hands. *3 Leon. 32.*

Where a debt due to the testator is certain, as it is always by bond, there a release of that debt makes it *assets* in the hands of the executors, because it shall be intended, that he would not have made the release unless the money had been paid to him, or unless he had otherwise been satisfied; therefore where an infant was executor, and the administrator during his minority, had received six hundred pounds, due to the testator; and when the infant-executor came of age, and had proved the will, he released the administrator of all actions; it was adjudged in an action of debt brought against him, that the six hundred pounds which was certain, and which was now released, shall be *assets* in his hands; for it shall be intended, that he received it from the administrator, otherwise he should not have given him a release. *Owen 36.*

There was a bond of a hundred pounds made to the testator for performance of covenants, which afterwards were broken, and the executor put the bond in suit, and pending the action, submitted himself to arbitration, and the obligor was awarded to pay the executor seventy pounds, and that upon payment of the money he should release the bond; all which was done; and in an action brought against him, it was adjudged, that he shall be answerable for *assets* to the value of a hundred pounds, for so was the bond; and though he was compelled by the award to release the bond, yet it was his own act to submit to the arbitration. *3 Leon. 51.*

Judgment was had against one Vaughan, who afterwards died intestate, having first made a fraudulent gift of his goods to his daughter, who by virtue thereof gave them to the defendant, and having gotten the goods in his possession, took out administration to the said intestate; afterwards a *scire facias* was brought against him as executor to Vaughan, and this was to have execution of the said judgment, who pleaded *riens entre mains*; and all this matter being found specially, the plaintiff recovered against him; for by his intermeddling with the goods, he was an executor *de son tort*, because the gift to the daughter being fraudulent and void, as to creditors, she could not give him any authority to possess them, therefore he was a trespasser, and they were *assets* in his hands, and his subsequent administration did not purge that wrong; therefore a creditor may sue him as executor *de son tort*, or he might have sued him as administrator. *Cro. Eliz. 810.*

Executor *durante minore etate* of an infant, who after came of age, and proved the will, and left several goods of the testator in the hands of the said executor, yet these shall be adjudged *assets* in his hands; now he had proved the will, though he never had the possession, because he might have recovered them of the executor after he came of age. *1 Rol. Abr. 921.*

Debt against an executor, who pleaded *plene administravit*; the plaintiff replied, *assets die impetrationis brevis*; upon which they were at issue, and the proof for the plaintiff was, that on the same day a hundred pounds was paid to the defendant in the prerogative-court, and that presently, by order of the said court, the same was paid by the defendant to another creditor of his testator; adjudged, that because the money was once in the hands of the defendant as executor, &c. it shall be accounted *assets*, though paid over to another creditor; but the defendant might have helped himself, upon pleading this matter specially, but not upon *plene administravit*. *Dyer. 20.*

The testator being possessed of several goods, made M. R. his executrix, and died; the executrix made a fraudulent gift of the goods, but continued in the possession of them, and afterwards she married the defendant, and died; and in an action of debt brought against him as executor *de son tort*, the question was, whether

goods were *assets* in his hands, he having paid debts and legacies; adjudged that they were; it is true, the gift, though fraudulent, is good against all but creditors; but if in respect to them it is void, as certainly it is, then the executrix had a good title to them, notwithstanding her fraudulent gift; and if so, then her husband having possessed the goods, and paid legacies, &c. he is liable as *executor of his own wrong*, and they are *assets* in his hands. *Cro. Eliz.* 405.

Money decreed in a court of equity by reason of any executorship, and money arising by sale of lands by executors, and even damages recovered by an executor, shall be *assets*, and so shall the interest of money lent by the executor, if it was the testator's money; it is true, it hath been argued to the contrary, because the testator lends the money at his own peril; therefore he being to bear the loss, it is reasonable he should have the profit; but now it is held otherwise. *Moor* 858.

ASSIENTO, a contract which for a limited time subfisted between the king of Spain and the English South-Sea company, for furnishing the Spanish American settlements with a certain number of slaves from the African coasts. This contract expired in 1744.

This contract had shifted hands from time to time. The Genoese, by their ill method of management, made nothing of it; nor did their successors, the Portuguese. After them it fell into the hands of the French, who made so much of it, that they were enabled, by a computation made from the registers in Spain, to import into the French dominions no less than 204,000,000 of pieces of eight. Yet they at length over-glutted the market, and became sufferers, towards the conclusion thereof.

Upon the *assiento's* falling into English hands, we had not been able to make any great advantage by it, on account of the unsettled affairs in Europe for many years past, and our misunderstanding with the court of Spain, during the long Walpolian administration.

The South-Sea company were obliged to import 4,800 negroes a year, for which they were to pay per head at the rate settled with the French company; but were obliged to pay only half that duty, during the twenty-five first years, for every negro they should import above the number 4,800 stipulated by the treaty.

The forty-second article of that treaty, which is the last, and, perhaps, the most considerable of all, was not in the treaty made with the French. By that article leave is given to the English assentists, or contractors, to send yearly into Spanish America, during the whole time the treaty was to continue, a ship of five hundred tons, laden with the same sorts of merchandizes which the Spaniards used to carry thither, with liberty to sell and dispose of them, with the concurrence of the Spaniards, at the fairs of Porto-Bello and Vera Cruz.

One may safely assert, that neither the furnishing the Spaniards with negroes, which is the main object of that treaty, nor the several other articles, by which many privileges were granted to the South-Sea company, did prove so profitable to it, as that liberty alone granted to the English, against the ancient policy and the usual jealousy of the Spaniards, with regard to their American trade.

Five more articles were afterwards added to that treaty of *assiento* with the English, in order to explain some of the old ones.

By the first it is agreed, that the treaty shall be reckoned to commence but in the year 1714. By the second, that the English shall be suffered to send their merchant-ship, though the Spanish fleet or galleons, should not fail to America. By the third, that, during the first ten years, that ship might be of six hundred and fifty tons. Finally, by the two last articles, it is agreed, that the merchandizes which might remain, after the sale of the negroes, should be sent back into Europe, after the negroes had been landed at Buenos-Ayres; and that, if the negroes were designed for Porto-Bello, Vera-Cruz, Charthagena, and some other part of Spanish America, they should be carried into some of the Antilles islands belonging to the English, and that it should not be lawful to send any into the South-Sea.

The method of rating and paying the *assiento-duty* for

every negro; when the ship arrived in the American dominions of the king of Spain, was the same with regard to the English, as was practised with the French; that is, when the negroes were landed, the Spanish officers, in concert with the company's factor, separated them into four classes: in the first, they put together all those negroes, of both sexes, who were in perfect health, and from fifteen to thirty years old. Afterwards they separated the old men and women, and the sick, and made a second lot of them. Next followed the children of both sexes, from ten to fifteen years old; and lastly, those from five to ten.

The separation thus made, they proceeded to estimate the value of the negroes; reckoning every negro of the first class, being in perfect health, as a head, for which the full duty of thirty-three piasfers and a third was to be paid. The old and sick, who made up the second class, were rated at three-fourth of a head, and the duty was to be paid accordingly. The children of the third class were reckoned at three for two heads, and those of the fourth, at two for one head; and, according to that estimation, the king's duty was paid.

So that of a cargo of six hundred and ten heads of negroes, among whom there were two hundred and fifty in health, and of the proper age, sixty sick or old, one hundred and fifty children from ten to fifteen years old, and one hundred and fifty from five to ten, the king received duty but for four hundred and seventy.

ASSIGN, is to appoint, or transfer, or set over a right to another. He that *assigns* is called the *assigner*, and he to whom the thing is *assigned* is named the *assignee*.

ASSIGNEES of bankrupts, *how chosen, and their power and duty.* By 5 Geo. II. cap. 30. sect. 26, 27, when any commission of bankrupt is issued out, the commissioners therein named, or the major part of them, shall forthwith, after they have declared the person bankrupt, cause notice to be given in the London Gazette, and shall appoint a time and place for the creditors to meet; which for the city of London, and all places within the bills of mortality, shall be at Guildhall, in order to chuse an *assignee*, or *assignees*, of the bankrupt's estate and effects; at which meeting the proof of any creditor's debt, (that shall live remote from the place of the said meeting) shall be admitted by affidavit, or if Quakers, by affirmation, or if from abroad, by letters of attorney; and all creditors who shall so prove their debts at this meeting, and whose debt amounts to ten pounds or upwards, shall be qualified to vote in the choice of *assignees*, and he or they that shall be so chosen by the major part in value of the creditors, then proving their debts, shall have an *assignment*, from the commissioners, or the major part of them, of the bankrupt's estate and effects.

SECT. 30. The commissioners have power immediately to appoint one or more *assignees*, if they see cause, for the better securing and preserving the bankrupt's estate, which *assignee* or *assignees* may be removed or displaced at the meeting of the creditors for the choice of *assignees*, if the major part of them met and duly qualified shall think fit, and such *assignee* or *assignees* as shall be so removed or displaced, shall within ten days after notice given in writing by the *assignee* or *assignees* chosen by the creditors of the said choice, make an assignment and delivery to the said *assignee* or *assignees*, of all the bankrupt's estate and effects which shall have come to their hands and possession, on penalty of two hundred pounds each, to be distributed among the creditors, in the same manner as the bankrupt's estate shall be. And the lord chancellor has power, on the petition of any creditor, to remove such *assignees* as shall have been chosen by the commissioners, to vacate the assignment, and to cause a new one to be made.

Assignees have power to order the bankrupt's attendance on them as often as they think convenient for the benefit of the estate, and may have some skilful accomptant to settle his books and accounts, and employ some faithful person, to collect and get in the debts; but for this last they ought to have security.

SECT. 38. *Assignees* may bring actions at law, without the consent of the creditors; though if the suit in law is a matter of consequence, or which may produce a suit

in equity, they should summon all the creditors to a meeting, by notice in the London Gazette, and lay before them the true state of the case, and take the consent of the major part in value of the said creditors in writing, to the bringing such suits, and that a sufficient sum remain in the *assignees* hands to defray the charges; and in case they apprehend that they shall not have sufficient, they may take an agreement under the creditors hands to indemnify them, and oblige themselves every one to pay his share, in proportion to their respective debts; for *assignees* are not obliged to bring any suit in law or equity (though the creditors vote that they should) unless they are indemnified, where there is an appearance of a hazard.

Sec. 34. And the *assignees* may, with consent of the major part in value of the creditors who shall have duly proved their debts, and be present at any meeting of the said creditors, pursuant to notice to be for that purpose given in the London Gazette, submit any difference or dispute between the *assignees* and any person or persons whatsoever, relating to the bankrupt's effects to arbitration, the arbitrators to be chose by the *assignees* and the major part in value of such creditors, and the party or parties with whom they have the difference, and to perform the award of such arbitrators, or otherwise to compound and agree the matters in dispute, in such manner as the *assignees* (with such consent as aforesaid) shall think fit, and the same shall be binding to all the creditors.

Sec. 35. The *assignees*, by and with the consent of the major part of the creditors in value, who shall be present at a meeting to be had for that purpose (of which notice shall be given in the London Gazette) may make composition with any person or persons, debtors or accomplices to the bankrupt, where the same shall appear necessary and reasonable, and to take such reasonable part as can upon such composition be gotten in full discharge of such debts and accounts.

Sec. 28. *Assignees* should be careful in examining the nature of the bankrupt's debts, to prevent the statute of limitation from taking place. Where it shall appear to the major part of the commissioners, that there has been mutual credit given by the bankrupt and any other person, or mutual debts between the bankrupt and any other, at any time before he became bankrupt, the major part of the commissioners, or the *assignees* of the estate, may state the account between them, and one debt may be set against another, and what shall appear to be due on either side on the balance of such account, and on setting such debts one against another, and no more, shall be claimed or paid on either side respectively.

Sec. 32. Before the creditors shall proceed to the choice of *assignees*, the major part in value of the creditors present shall, if they think fit, direct how, and with whom the monies to be received out of the bankrupt's estate, shall remain, until the same be divided, to which rule such *assignees* shall conform as often as one hundred pounds shall be got in.

Sec. 33. *Assignees* are obliged at some time after the expiration of four months, and within twelve months from the time of the commission's issuing, to cause at least twenty-one days public notice to be given in the London Gazette, of the time and place they and the commissioners intend to meet, to make a dividend or distribution of the bankrupt's effects, at which time the creditors who have not before proved their debts, shall then be at liberty to prove them, which meeting for London and all places within the bills of mortality, shall be at the Guildhall, and at such meeting the *assignees* shall produce to the commissioners and creditors then present, just and fair accounts of all their receipts and payments touching the bankrupt's estate and effects, and the particulars of all that shall remain outstanding, and shall, if the major part of the creditors then present require it, be examined upon oath before the commissioners touching the truth of such accounts. And the *assignees* shall be allowed and retain all such sums as they shall have paid or expended in suing out and prosecuting such commission, and all other just allowances on their account of being *assignees*; and the major part of the commissioners shall order such part of the neat produce of the bankrupt's estate, as by such accounts or otherwise shall appear to be in the hands of the *assignees*, as they

shall think fit, to be divided forthwith among such of the creditors who have duly proved their debts under the commission in proportion to their several and respective debts, and they shall make such their order for a dividend in writing under their hands, and shall cause one part of such order to be filed amongst the proceedings under the commission, and shall deliver unto each of the *assignees* a duplicate of such their order likewise; under their hands; which order of distribution shall contain an account of the time and place of making such order, and the sum total or *quantum* of all the debts proved under the said commission, and the sum total of the money remaining in the hands of the *assignees* to be divided, and how much in particular in the pound is then ordered to be paid to every creditor under the commission; and the said *assignees*, in pursuance of such order, and without any deed or deeds of distribution to be made for that purpose, shall forthwith make such dividend and distribution accordingly, and shall take receipts in a book to be kept for that purpose from each creditor, for the part or share of such dividend or distribution, which they shall make and pay to each creditor respectively, and such order and receipt shall be a full and effectual discharge to such *assignees*.

Sec. 37. And the *assignees* are further obliged, within eighteen months after issuing the commission, to make a second dividend of the bankrupt's estate and effects, in case the whole was not divided on the first dividend, and shall cause notice to be inserted in the London Gazette of the time and place the commissioners intend to meet to make a second dividend, and for the creditors who shall not have proved their debts, to come and prove them, and at such meeting, the *assignees* shall produce upon oath their accounts of the bankrupt's estate and effects, and what upon the balance thereof there shall appear to be in their hands, shall by the like order of the major part of the commissioners be forthwith divided among such of the bankrupt's creditors, as shall have made due proof of their debts, in proportion to their several and respective debts, which second dividend shall be final, unless "any suit at law or in equity shall be depending, or any part of the estate standing out that cannot have been disposed of, or that the major part of the creditors shall not have agreed to be sold and disposed of, in manner aforesaid; or unless some other or future estate or effects of the said bankrupt shall afterwards come to or vest in the said *assignees*," in which case the *assignees* shall, as soon as may be, convert such future or other estate or effects into money in manner aforesaid, and shall within two months next after the same shall be converted into money, by the like order of the commissioners, divide the same amongst the creditors who shall have made due proof of their debts.

If creditors want to inspect the *assignees* accounts, and are refused by them, the court on petition will oblige the *assignees* to shew their accounts according to the direction of the statutes.

If an *assignee* is guilty of a breach of trust, by misapplying the creditors money, or keeping the money in his hands, when he ought to have divided it, the court on a petition and proof being made, will order an account to be taken before the commissioners, and to make a dividend, and if any manifest delay or neglect appears in them, will oblige them to pay interest and costs.

If *assignees* attempt to sell estates at an under-value, or enter into any clandestine agreement either with the bankrupt or any other person, the court, by application, will by order restrain them from selling such estates or interests, or remove them.

If *assignees* have had suits in law or equity, on application to the court, the court will order the commissioners to settle the accounts, allowing them all reasonable costs and charges, and direct the *assignees* to make a dividend of the residue.

The court on a petition will order the commissioners to inquire into the real consideration of debts and notes and of usurious contracts; and will order the *assignees* to be restrained from making any dividend, till the commissioners shall have made their certificate to the court; and if there appears to have been more than legal interest received,

ceived, or unfair transactions, with regard to the obtaining or swelling such debt, the court, on bringing a bill, will by decree reduce such unconscionable demand to the sum which is really due.

If an assignee dies, the trust devolves to the surviving assignee, or to such new assignee as the court shall join to the surviving assignee, if the creditors shall petition for the same; and the executor or administrator of the deceased assignee must pay the money in his hands to the surviving assignee, and such additional assignee (if appointed) is to account before a master in chancery for assets come to his or her hands; because commissioners cannot take an account of assets.

If the bankrupt's real estate is conveyed to assignees, and one of them dies, this is a joint-tenancy, and goes to the survivor; and he may alone sell such an estate to a purchaser; but if both die before any conveyance is made, then the heir at law of the survivor must convey to such new assignee as the court shall appoint, or join with such new assignee in conveyance to a purchaser.

If money is overpaid in pursuance of an usurious contract, the assignees have a right to demand and recover it, notwithstanding the agreement of the oppressed party to allow such payments. The two Cottons became bankrupts, and their assignees brought a bill against Dashwood, as executor of Sir Samuel Dashwood, who had in his life-time, lent several sums to the bankrupts upon bonds bearing six per cent. interest, and had taken advantage of their necessitous circumstances, and compelled them to pay ten per cent. to which they submitted, and entered into other agreements for that purpose, and continued paying at the said rate of ten per cent. from the year 1710 to 1724; it was decreed at the rolls, that the defendant should account, and that for what had been really lent, legal interest should be computed and allowed; and what had been paid, over and above legal interest, should be deducted out of the principal at the time paid, and the plaintiffs to pay what should be due on account; and if the testator had received more than was due with legal interest, that was to be refunded by the defendants, and the bonds to be delivered up. *Lord Talbot*, Mich. Term. fol. 38 to 41. 1 Geo. II. 11 Nov. *Bosanquett v. Dashwood*.

A bankrupt, before he became such, having made a mortgage of his estate, the assignees of the statute bring an ejectment for the recovery of the lands comprized in the mortgage; the mortgagee refuses to enter, but suffers the bankrupt to take the profits, and to fence against the assignees with this mortgage. Lord keeper ordered, the mortgagee should be charged with the profits from the time of the ejectment delivered. *Chapman v. Tamer*. 1 Vern. 276. Mich. Term, 1684.

ASSIGNEE, dying in debt by bond, what recoveries are had. The assignees under a commission taken out against J. S. petitioned that J. N. the daughter and administratrix of J. D. (who was the surviving assignee under the commission) should account before the commissioners, for the bankrupt's effects come to her hands; and an affidavit was made, that J. N. had confessed she believed that her intestate, the assignee, kept the bankrupt's money in a separate bag, with a note in it, shewing it to be such; and also that the assignee left lands of inheritance, descended to J. N. the heir, which would be assets by descent, to answer the covenant entered into by the assignee for himself and heirs, with the commissioners, duly to account for the bankrupt's effects.

But against the petition, it was urged, that this matter was not fit to be ended in a summary way, but by a bill to determine it, for that J. N. the heir and administratrix of the assignee, had made an affidavit, that she never confessed the assignee, her father, kept the bankrupt's money in a separate bag or place, nor did she believe the fact to be so; that the assignee, the father, died indebted by specialty and otherwise several thousand pounds beyond all his assets; that he has paid some bonds, and actions were depending upon others; that it was in her election to prefer which of the specialties she pleased, and the commissioners were not proper to determine in a summary way, whether the payments already made by the administratrix, or which she should make, were, or would be, good and legal; or if they should make such

determination, this could be no way binding to the other creditors; therefore the order now desired, that the daughter and administratrix of the assignee, should account with the commissioners; would be of no use, since the creditors might bring their action, or bill in equity against the daughter and administratrix of the assignee; for which reasons lord chancellor ordered the petition of the new assignees to be dismissed, and directed them to bring their bill. *Ex parte Markland*. 2 Peer Will. 546. Trin. Term. 1729. L. C. King.

Though assignees are generally chose from among the creditors, and those commonly to whom the bankrupt is most indebted, yet they may be made notwithstanding they are no creditors, nor any ways concerned in the commission, provided the major part in value of the creditors appoint them.

And assignees may bring actions for debts due to the bankrupt in their own names, &c. for they shall have the same remedy as the bankrupt himself might have had against his debtors. But if the commission of bankruptcy be not taken out within six years (the time directed by law for suing of debts) then the defendant in an action may plead the statute of limitations: in case the commission be taken out within six years, and the assignment made within that time, the statute preserves the debts by the assignment, it being to relieve creditors against fraud. 2 Cro. 105. 1 Saund. 37. *Jones versus Pope*.

It is a constant practice to make an assignment of the debts and estate of the bankrupt to assignees in trust for themselves (if creditors) and the other creditors; and it has been held, that where a commission of bankruptcy is taken out, the bankrupt's goods do not thereupon belong to the commissioners, for until an assignment thereof is made, the property is not transferred out of the bankrupt; but it is said, the assignee is in by relation from the time of the bankruptcy, so as to avoid all mesne acts, but not so as to be actually invested with the property. 1 Salk. 108, 111.

ASSIGNEES, how removed. By 5 Geo. II. c. 39. s. 31. If an assignment of a bankrupt's estate already made by the commissioners, or hereafter to be made, pursuant to the choice of creditors, should be found necessary to be vacated, and a new assignment made of the debts and effects unreceived, and not disposed of by the then assignees, to other persons, to be chosen by the creditors as aforesaid, it is lawful for the lord chancellor, lord keeper, or commissioners of the great-seal, upon petition of any creditor, to make such order therein as he or they shall think just and reasonable; and in case a new assignment shall be ordered to be made, then such debts, effects, and estate of the bankrupt, shall thereby be effectually and legally vested in such new assignee or assignees, and it shall be lawful for him or them to sue for the same in their names, and to discharge any action or suit, or give any acquittance for such debts, as effectually to all intents and purposes as the assignees in the former assignment might have done; and the commissioners shall cause public notice to be given in the two London Gazettes that shall immediately follow the removal of such assignees, and the appointment of such others as aforesaid, that such assignees are removed, and such others appointed in their stead, and that such persons as are indebted to the bankrupt's estate, do not pay any debts to the assignees removed; and if an issue is directed to be tried in the time of the old assignees, the court on petition will order the same issue to be tried by the new ones.

If there is any injustice committed by assignees, and that they, with the bankrupt's consent, will admit of sham debts being proved, the court will remove such assignees, and order the consideration of such debts to be inquired into, and all parties to be examined upon interrogatories, and appoint new assignees, and to direct the commissioners to see what is really due from the bankrupt's estate to his creditors; and after the assignees are chosen, will order costs of the parties so unjustly acting, to be taxed by a master and paid by them.

If assignees live at a great distance from the bankrupt's estate or effects, whereby such estate or effects may be incumbered with heavy charges, or occasion a neglect for getting in such effects; upon the application of the majority

majority of the creditors who have proved their debts under the commission, and proving the same by affidavit, the court will discharge such *assignees*, and direct a new assignment to be made to such other *assignees* as the creditors shall appoint, and direct, that the old *assignees* shall join in such new assignment.

If it appears that there are accounts between the bankrupt and the *assignees*, and that the *assignees*, although there may be notes or bonds subsisting, so as to intitle them to prove their debts, yet, if upon the balance of such accounts, the *assignees* appear to be debtor to the bankrupt's estate, the court will for such reason remove them.

If there appears partiality or unfairness in the choice of *assignees*, the court on petition will remove them.

If it appears that *assignees* have prevented creditors from proving their debts, to make number and value for the bankrupt's certificate, and for that purpose have contested such debts, and have refused to admit them; the court will for such unfairness remove the *assignees*, and admit such creditors to prove such debts as shall appear to be justly due to them. See BANKRUPT.

ASSISA panis et cervisie, the power or privilege of *assising* or adjusting the weights and measures of bread and beer; as the weight of bread prescribed by the lord mayor of London, and other magistrates, is still called the *size* or *assise* of bread: *z*o half a crust or farthing-bread is in Cambridge called a *size* of bread; and a servitor is there a *sizor*, or one who is to live upon such an assized allowance: hence to *assize*, *i. e.* to match cloths, silks, &c. or to get some of the same *assize* or proportion: hence also *size* for height and stature.

ASSISE, according to our ancient books, is defined to be an assembly of knights, and other substantial men, with the bailiff or justice in a certain place, and at a certain time appointed. *Custom. Normand. cap. 24.* This word is properly derived from the Latin verb *assideo*, to sit together, and is also taken for the court, place, or time, when or where the writs and processes of *assise* are handled or taken. And in this signification *assise* is general; as when the justices go their several circuits with commission to take all *assises*; or special, where a special commission is granted to certain persons, (formerly oftentimes done) for taking an *assise* upon one or two disseisins only. *Bract. lib. 5. Corwell.*

Concerning the general *assise*, all the counties of England are divided into six circuits, and two judges are assigned by the king's commission to every circuit, who hold their *assises* twice a year in every county, (except Middlesex, where the king's courts of record do sit, and where his courts for his counties palatine are held) and have five several commissions: 1. *Of oyer and terminer*, directed to them and many other gentlemen of the county, by which they are empowered to try treasons, felonies, &c. and this is the largest commission they have. 2. *Of gaol-delivery*, directed to the judges and the clerk of *assise* associate, which gives them power to try every prisoner in the gaol committed for any offence whatsoever, but none but prisoners in the gaol; so that one way or other they rid the gaol of all the prisoners in it. 3. *Of assise*, directed to themselves only and the clerk of *assise*, to take *assises*, and do right upon writs of *assise* brought before them by such as are wrongfully thrust out of their lands and possessions: which writs were heretofore frequent, but now men's possessions are sooner recovered by ejectments, &c. 4. *Of nisi prius*, directed to the judges and clerk of *assise*, by which civil causes grown to issue in the courts above, are tried in the vacation by a jury of twelve men of the county where the cause of action arises; and on return of the verdict of the jury to the court above, the judges there give judgment. 5. *A commission of the peace*, in every county of the circuits; and all justices of the peace of the county are bound to be present at the *assises*; and sheriffs are also to give their attendance on the judges, or they shall be fined. *Bacon's Elem. 15, 16, &c.*

There is a commission of the peace, *oyer and terminer* and gaol-delivery of Newgate, held several times in a year, for the city of London and county of Middlesex, at Justice-hall in the Old Bailey, where the lord mayor is the chief judge. In Wales there are but two circuits, North and South Wales; for each of which the king

appoints two persons learned in the laws to be judges. *Stat. 18 Eliz. cap. 8.* If justices sit by force of a commission, and do not adjourn the commission, it is determined. 4 *Infl.* 265.

The constitution of the justices of *assise* was begun by Henry II. though somewhat different from what they now are; and by *magna charta*, justices shall be sent through every county once a year, who, with the knights of the respective shires, shall take *assises* of novel *disseisin*, &c. in their proper shires, and what cannot be determined there, shall be ended by them in some other place in their circuit; and if it be too difficult for them, it shall be referred to the justices of the bench, there to be ended. 9 *Hen. 3. cap. 12.* Justices of *assise*, &c. are to hold their sessions in the chief towns of the county; and their records to be sent into the Exchequer. 6 *R. 2. 9 Ed. 3.* By *stat. 21 Geo. II. c. 12.* The summer *assises* in Buckinghamshire shall be held at the town of Buckingham. *Assise* is likewise used for a jury, by whom *assises* of novel *disseisin* are tried. *Lit. c. Rents.* The panels of *assises* shall be arrayed, and a copy indented delivered by the sheriff, &c. if demanded, on pain of forty pounds by *stat. 6 Hen. VI. cap. 2.* And *assise* is taken for a writ for recovery of possession of things immoveable, whereof any one and his ancestors have been disseised.

ASSUMPSIT is taken for a voluntary promise, by which a man assumes or takes upon him to perform or pay any thing to another: it comprehends any verbal promise, made upon consideration; and the civilians express it diversly, according to the nature of the promise, calling it sometimes *pactum*, sometimes *promissio*, or *constitutum*. *Corwell.* See ACTION.

ASSURANCE. See INSURANCE.

ASTRABATH is situated on a gulph of the Caspian-Sea, being the capital of the province of that name, and passes for one of the finest cities in Persia, as it is large, well built, rich, and very populous. Here are many fine fabricks of silk, and woollen stuffs, more particularly a sort of camblet that is vastly esteemed. The circumjacent lands are equally agreeable and fertile in every necessary of life, and the neighbouring mountains are all covered with forests of fruit-trees. The gulf of *Astrabath* is about fifteen leagues from east to west, and four or five from north to south; but is only navigable for small vessels, because here are not more than ten or twelve feet water at its entrance to the Caspian-Sea; but it is of great convenience to this city, by means of the communication it has with all the Persian ones seated on that sea.

ASTRACAN, a city under the dominion of the Russian empire, is seated at the mouth of the Volga in the Caspian sea; the principal merchants trading here are Muscovites, Tartars, Armenians, and Indians. All sorts of merchandizes may be sold in the morning at the bazar or market of the Tartars, where other nations have the liberty of carrying theirs. After noon the Russian bazar is held, where the Armenians are equally admitted, and the Indians transact all their business in their own caravansera.

The customs for the imports and exports of this city, though reckoned very low and moderate, were computed to bring in to the late czar, Peter the Great, 250,000 crowns *per annum*, besides the convenience of vending all the native commodities of Russia, and receiving in exchange the silks, cotton, and over valuable merchandizes of Persia, India, &c. Here is a fish called *biloege*, which is caught in the Volga, near its mouth, in great abundance, of the roes of which they make what we call *caviar*, in which the Russians drive a very advantageous traffic.

ASTRAGAL, in architecture, signifies a little round member, in the form of a ring or bracelet, serving as an ornament to the tops and bottoms of columns. The *astragal* is used to separate the *fascia* of the architrave; in which case it is wrought in chaplets of beads and berries. It is used both above and below the lights adjoining immediately to the dye or square of the pedestal.

ASTRAGAL, in gunnery, is the cornice ring of a piece of ordnance.

ASTRINGENT, in physick, such medicines as are of an astringent or binding quality. The simples, com-

monly called *aftringents*, principally abound with rough, earthy, or saline particles, and are of a heavy compact texture, which, at first view, forbids them to be meddled with in distillation. In tinctures also with a spirituous menstruum, they are very unfuitable; because their superior gravities and bulks will not suffer them to unite with, and be suspended in such, liquors.

In decoction, indeed, many *aftringents* may be retained with efficacy, especially those of a saline and styptic nature, as allum, galls, and oak-bark; but few others can be thus ordered to advantage, because they are too heavy for suspension in an aqueous fluid. *Quincy's Lett.*

Aftringents are very proper to restore a tone and elasticity to the animal fibres, when debilitated by diseases, intemperance, or accident. But these are very seldom proper without a previous attenuation of the juices, and a course of deobstruent medicines; because obstructions are more firmly riveted, and the viscid juices circulated with more difficulty, when the diameters of the vessels are contracted by *aftringents*. *Hoffman.*

ASTRINGENTS in dyeing, are most commonly the bark of alder, pome-granate, crab, and walnut-tree, when the sap rises; and also the saw-dust of oak, walnut-shells and roots, gall-nuts, allum, and fumach. *See DYEING.*

ASTROITES, in natural history, a kind of figured stone, having on its surface the representation of a star.

The matter and substance of these stones, if broken, resembles a flint, of a dark, shining politure; but much softer, and easily corroded by an acid menstruum.

These stones, as we now find them, are all fragments, either one single joint, or two, three, or more joints set together, making a pentagonous or five-sided column. Every joint consists of five angles, which are either drawn out and sharp, and consequently the sides of pieces, made up of such joints, are deep-channelled; or the angles are blunt, and round, and the sides plain and very little hollowed.

These stones generally move in vinegar, juice of lemons, &c. sending forth bubbles like chalk, and most of our mineral stones. This motion seems to proceed from the acid mixing with the mineral salt, so that the spirits, by fermentation, breaking forth under the stone, produce that effect. *Philos. Transf. Abr. vol. ii.*

Naturalists are not agreed to what species the *astroites* should be referred. Some will have them native stones, others rock-plants, and others petrifications of plants.

ASTROLABE, a stereographic projection of the sphere, either on the plane of the equinoctial, the eye being supposed to be placed in the pole of the world, or on the plane of the meridian, when the eye is supposed in the point of intersection of the equinoctial and horizon.

Sea. ASTROLABE, is an instrument for taking the altitude of the sun or stars at sea; for this purpose you need only turn to the sun, so that the rays may pass freely through both the sights, and the fiducial edge of the index will cut the altitude in the limb.

The *astrolabe* is now rarely used, and this is no wonder, because the motion of the ship renders it impossible to keep it in a perpendicular direction, and consequently the altitude obtained from it cannot be depended upon. Indeed the motion of the ship renders an observation very precarious, when taken with most other instruments. But this defect is now happily supplied by that useful instrument contrived by the learned J. Hadley, Esq; called Hadley's quadrant. *See* QUADRANT.

ASTURIAS, a principality in Spain, lies on the north side, along the bay of Biscay, borders on the west on Galicia; on the south it is divided by Castile and Leon, by a ridge of mountains. On the coast it reaches to the port Llanes, now Santillana, where it joins a narrow slip of land belonging to Old Castile; which runs into the sea between Asturias and Biscay.

The places of most note in this principality are, Oviedo, Santillana, Gijon, and the little province of Liebana.

Oviedo is about twenty miles distant from the bay of Biscay; the country about it is very mountainous, but abounds in cattle, Indian wheat, chestnuts, corn, and all sorts of grain. The mountains, especially those which

divide this principality from Leon and Castile, besides their natural fertility, were formerly rich in mines of all sorts of metals and minerals.

Liebana is about twenty-seven miles long, and twelve broad. It is one of the most craggy and mountainous parts of Spain, excessive high, and almost inaccessible. These mountains are called *Europæ*, and in full front of the sea, and produce plenty of corn, wine, fruit, cattle, and game.

ATCHE, the smallest coin that is struck, and current in the grand seignior's dominions. It is of silver, (no copper coin being current in the whole Ottoman empire, except in the province of Babylon) and is worth two thirds of an English farthing. It is pretty much like those spangles of tinsel used formerly for setting off gold and silver embroidery, except that it is somewhat stronger and longer; and it is marked as the *para* with Arabian characters. Three or four *atches* are commonly given for one *para*.

ATHANOR, in chemistry, a kind of digesting furnace, contrived to keep a constant heat for a considerable time.

ATIBAR, a name given by the inhabitants of the kingdom of Gago in Africa to gold-dust; and from that word the Europeans, and especially the French, have composed the word *tibir*, which also signifies gold-dust among those who trade in that commodity.

ATLAS, a satin, manufactured in the East-Indies, of several sorts and colours, some being plain, some striped, some flowered, and the flowers either gold or only silk. Most of the colours are false, especially the red and crimson.

The manufacture of *atlasses*, especially the flowered, is wonderful and singular, the gold and silk being worked together in such manner as no European workmen can imitate; yet they are very far from having that fine gloss and lustre which the French know how to give their silk stuffs.

In the Chinese manufactures of this sort, they fold paper on one side with leaf-gold, then cut it into long slips, and weave it into their silks, which makes them, with very little cost, look exceeding rich and fine. The same long slips are twisted or turned about silk threads, so artificially, as to look finer than gold thread, though it be of no great value. This, however, may afford a good hint to our British weavers, for the like kind of improvements.

Among the several sorts of *atlasses*, the most considerable are the *cotonis*, the *caucanias*, the *cotonis-bouilles*, and the *bouilles-chafmay*, or *charmay*. The *atlasses cotonis* are thus called, because the ground of them is cotton, and the rest silk. The *caucanias* are striped sattins, and those of them which seem most silky are stiled *quenkas*. The *calquiers* are sattins made after the Turkish manner, or like Hungary point. The *bouilles-cotonis* and *bouilles-charmay* are thick silks, like those strong taffeties made at Tours in France. There are *atlasses* from four French ells and one eighth in length, by two thirds in breadth, to fourteen ells in length, by nine tenths in breadth. Those that come near to half the usual length are called half-pieces.

ATLASSES, in architecture, are those figures, or half-figures of men, commonly used instead of columns or pilasters, to support any member, as a balcony, or the like. They are otherwise called *telamones*.

ATTACH, signifies to take or apprehend by commandment of a writ or precept. There is this difference between an arrest and an attachment, that an arrest proceedeth out of lower courts by precept, and an attachment out of higher courts by precept or writ; and that a precept to arrest hath formal words, *duci facias*, &c. and a writ of attachment these words, *precipimus tibi quod attachies talem, et habeas eum coram nobis*, &c. whereby it appeareth, that he who arresteth, carrieth the party arrested to another higher person to be disposed of forthwith, and he that attacheth, keepeth the party attached, and presenteth him in court at the day assigned in the attachment. *Cowell.*

ATTACHMENT, is a process that issues at the discretion of the judges of a court of record, against a person for some contempt, for which he is to be committed,

mitted, and may be awarded by them upon a bare suggestion, or on their own knowledge, without any appeal, indictment, or information; for though by the statute of *Magna Charta*, none are to be imprisoned *sine judicio parium vel per legem terræ*; yet this summary method of proceeding, being absolutely necessary to the furtherance and execution of justice, seems to have been long practised, and is certainly now established as part of the law of the land. *Lamb. Eiren. lib. 1. cap. 16. 1 New Abr. 180. See Westl. 2. cap. 3.*

Attachments are usually granted on a rule to shew cause, unless the offence complained of be of a flagrant nature, and positively sworn to; in which case the party is ordered to attend, which he must do in person, as must every one against whom an *attachment* is granted; and if he shall appear to be apparently guilty, the court in discretion, in consideration of the nature of the crime, and other circumstances, will either commit him immediately, in order to answer interrogatories to be exhibited against him, concerning the contempt complained of, or will suffer him to enter into recognizance to answer such interrogatories; which if they be not exhibited within four days, the party may move to have the recognizance discharged; otherwise he must answer them, though exhibited after the four days; but in all cases, if he fully answer them, he shall be discharged as to the *attachment*, and the prosecutor shall be left to proceed against him for the perjury, if he thinks fit; but if he deny part of the contempts only, and confess other part, he shall not be discharged as to those denied, but the truth of them shall be examined, and such punishment inflicted as from the whole shall appear reasonable; and if his answer be evasive as to any material part, he shall be punished in the same manner as if he had confessed it. *2 Hawk. P. C. 141. 1 Salk. 84. 6 Mod. 73. 2 Jones 178.*

Attachment foreign, is an *attachment* of the goods of foreigners, found in some liberty, to satisfy their creditors within such liberty. *Carth. Rep. 66.* And by the custom of some places, as London, &c. a man may *attach* money or goods, in the hands of a stranger. But a foreign *attachment* cannot be had when a suit is depending in any of the courts of Westminster, which makes the matter not to be meddled with by any other court. *Cro. Eliz. 691.* And nothing is *attachable* but for a certain and due debt; though by the custom of London money may be attached before due, as a debt; but not levied before due. *Sid. 327. 1 Nels Abr. 282, 283.*

Foreign *attachments* in London, upon plaint of debt, are made after this manner: "A oweth B 100l. and C is indebted to A 100l. B enters an action against A of 200l. and by virtue of that action a serjeant *attacheth* 100l. in the hands of C, as the money of A to the use of B, which is returned upon that action." The *attachment* being made returned by the serjeant, the plaintiff is immediately to fee an attorney before the next court holden for the comptur; or the defendant may then put in bail to the *attachment*, and nonsuit the plaintiff: four court-days must pass before the plaintiff can cause C, the *garnishee*, in whose hands the money was *attached*, to shew cause why B should not condemn the 100l. *attached* in the hands of C, as the money of A, the defendant, in the action (though not in the *attachment*) to the use of B, the plaintiff: and the *garnishee* C may appear in court by his attorney, wage his law, and plead that he hath no money in his hands of the defendant's or other special matter; but the plaintiff may hinder his waging of law, by producing two sufficient citizens to swear that the *garnishee* had either money or goods in his hands of A at the time of the *attachment*, of which affidavit is to be made before the lord mayor, and being filed, may be pleaded by way of estoppel: then the plaintiff must put in bail, that if the defendant come within a year and a day into court, and he can discharge himself of the money condemned in court, and that he owed nothing to the plaintiff at the time in the plaint mentioned, the said money shall be forth coming, &c. if the *garnishee* fail to appear by his attorney, being warned by the officer to come into court to shew cause as aforesaid, he is taken by default for want of appearing, and judgment given against him for the goods and money *attached* in his hands, and he is without remedy

either at common law or in equity; for if taken in execution, he must pay the money condemned, though he hath not one penny, or go to prison; but the *garnishee* appearing to shew cause why the money or goods *attached* in his hands, ought not to be condemned to the use of the plaintiff, having feed an attorney, may plead as aforesaid, that he hath no money nor goods in his hands of the party's against whom the *attachment* is made, and it will then be tried by a jury, and judgment awarded, &c. but after trial, bail may be put in, whereby the *attachment* shall be dissolved, but the *garnishee*, &c. and his security will then be liable to what debt the plaintiff shall make out to be due, upon the action; and an *attachment* is never thoroughly perfected, till there is a bail and satisfaction upon record. *Privileg. Lond.*

A citizen of London was indebted to a foreigner upon bond, and the foreigner was indebted to the citizen upon a simple contract; the foreigner died, and upon oath made by the citizen, that his debt was a just debt, he levied a plaint in London against the executor of the foreigner; and upon four defaults recorded, he had judgment, and then he attached the debt in his own hands, finding sureties, that if the debt was not disproved by the executor within a year and a day, or the judgment reversed, that then he should be discharged of so much of the debt which he owed on the bond; the question was, whether this custom did extend to foreigners, as well as to citizens; it was not resolved. *Dyer 109.*

Debt upon bond for one hundred marks, conditioned to pay fifty pounds on such a day, &c. the defendant pleaded a *tender* upon the day, upon which they were at issue, but afterwards he pleaded, that after the last continuance the one hundred marks were attached in his hands in London, at the suit of another, &c. And upon demurrer to this plea, the court at first doubted, whether an *attachment* was good pending an action in the court at Westminster; but afterwards they held, that the one hundred marks were attachable after the last continuance. *Cro. Eliz. 101, 691.*

In an action on the case, the plaintiff had judgment against the defendant, and he owing sixty pounds to one G. D. he entered a plaint against him in London, and attached the sixty pounds in the hands of the said defendant, against whom the plaintiff had recovered as aforesaid, and had execution according to the custom; afterwards the plaintiff brought a *sci. fa.* against the defendant, to shew cause why he should not have execution upon the judgment which he had recovered, to which the defendant pleaded the *execution upon attachment*; and upon demurrer to that plea, it was adjudged against the defendant, because a duty which accrue by matter of record cannot be attached by the custom of London; for judgments obtained in the king's courts shall not be defeated or avoided by such particular customs, they being of so high a nature, that they cannot be reached by *attachment*. *1 Leon. 29.*

Debtor and creditor being both citizens of London, the debtor delivered several goods to the Exeter carrier, then in London, to carry and deliver them at Exeter, and the creditor attached them in the hands of the carrier for the debt due to him from his debtor; adjudged, that the action should be discharged, because the carrier is privileged in his person and goods, and not only in the goods which are his own, but in those of other men, of which he is in possession, for he is answerable for them. *1 Leon. 189.*

Upon a plaint affirmed in the court of the city of Exeter against the defendant; the money due to the plaintiff was attached in the hands of G. D. upon a suggestion, that he owed money to the defendant; thereupon the said G. D. appeared to the *attachment*, and pleaded *nil debet* to the defendant; and upon demurrer to this plea, there was judgment against him, because he ought to have pleaded not only *nil debet*, but also that he had no goods of the defendant's in his hands, whereupon G. D. brought a writ of error, &c. and the judgment in Exeter was reversed; for it was adjudged, that *nil debet* alone was a good plea. *1 Leon. 321.*

The debtor owed the creditor one hundred pounds, and G. D. owed the debtor twelve pounds, the debtor died intestate, and the *ordinary* granted administration to W;

W; afterwards the creditor affirmed a plaint in London against the ordinary for the hundred pounds, and upon his suggestion that by the default of the ordinary (being returned *nihil habet*) the twelve pounds was attached in the hands of G. D. and after the fourth default of the ordinary, it being returned *non est inventus*, the plaintiff recovered against G. D.; afterwards the administrator brought an action of debt against him for twelve pounds, to which he pleaded in bar this custom of foreign attachment; and upon a demurrer to this plea the administrator had judgment, because no action did lie against the ordinary after administration granted, neither could the administrator have any action against G. D. the debtor of the intestate. *Dyer* 247.

A sum of money was to be paid at Michaelmas, and it was attached before that day; adjudged, that a foreign attachment cannot reach a debt before it is due; therefore, though the judgment on the attachment was after Michaelmas, yet the money being attached before it was due, it is for that reason void. *Cro. Eliz.* 184.

In trespass for making a dyer's furnace, it was found, that upon a plaint levied, the sheriff attached it, being fastened to a wall of the house, and delivered it to the defendant, against whom the action was now brought; adjudged, that it being fixed to the wall, it could not be attached. *Cro. Eliz.* 370.

An executor submitted to an award, and the arbitrators awarded, that the defendant should pay the executor three hundred and fifty pounds. This money is not attachable in his hands by any creditor of his testator, though it is assets in his hands when he recovered, because it was not due to the testator *tempore mortis*, and the custom of foreign attachments extends only to such debts. *1 Vent.* 111.

The plaintiff set forth the custom to be, that the debt ought to be affirmed upon the oath of the party in *curia Guildhall*, and then he alledged, that he made oath in *curia vicecomitis in computatorio*, &c. the cause was ended by agreement. *Dyer* 199.

Case by administrator, in which the cause was, that Tenant was indebted to the intestate by bond, and the intestate was indebted to Heydon upon a contract, and that he (the administrator) intending to put the bond in suit against Tenant, he promised, that if the administrator would forbear, &c. he, the defendant, would pay, &c. afterwards Heydon brought an action of debt upon the contract against the administrator in London, and the money which Tenant owed to the intestate was attached in Tenant's hands; and now the administrator brought an action on the promise against Tenant, who pleaded all this matter; and upon a demurrer, it was insisted for the plaintiff, that this debt was not attachable by a foreign attachment, because the promise being to pay at a day to come, rests altogether in damages, and nothing is attachable but a certain and due debt: *sed per curiam*, this debt is attachable, for it is a due and certain debt before the promise made, because the promise was to pay the debt due to the intestate by bond; but it might have been otherwise if the debt had arisen upon a promise. *1 Roll. Rep.* 105.

If a man sue another in the mayor's court, &c. and a third person is indebted to the defendant as much as he owes the plaintiff, and the money is attached in the hands of this third person, and condemned, and afterwards judgment is given against him, yet at any time before execution the plaintiff may resort to the defendant again, who is his principal debtor, and get judgment and execution against him. *Dyer* 182.

A foreign attachment was pleaded to an action of debt; the plaintiff in that action replied, that he was not indebted to the defendant in any sum by which he might be attached to appear; and this was held a good replication, because it was issuable whether he was indebted or not, for if he was not indebted, then he could not be attached. *Cro. Eliz.* 598.

Debt was brought in C. B. upon a bill penal of 13l. 13s. 4d. they pleaded in bar a foreign attachment in London, made by one Moulton of 13l. in his hands; and upon demurrer to this plea, it was adjudged ill, because it did not appear, that the 13l. attached was part of the debt of 13l. 13s. 4d. due to the plaintiff in the origi-

nal action; but the chief reason was, because it appeared in the plea, that the attachment was made after the return of the original in the C. B. and so pending that action in that court, which ought not to be. *Cro. Eliz.* 691.

Action of debt, &c. The defendant pleaded in bar, that there was a custom in London to attach the debt before the day of payment came; *et per curiam*, such a custom may be good, but to have judgment to recover the debt before the day of payment is come, cannot be a good custom, because the debtee himself could not recover in such case, and therefore he who made the attachment shall not. This custom was pleaded, that the debtee in person, or by his attorney, may swear that the debt is due; but this cannot be good as to the attorney: it was agreed, that goods might be attached by a foreign attachment, and that the value thereof ought to be found before judgment; but that this plea was ill, because the defendant did not aver it, *viz. et hoc paratus est verificare*. *W. Jones*, 406.

In action of debt on bond, the defendant pleaded in bar the custom of London, wherein the case was thus, *viz.* John North, the now defendant, owed Winkell 55l. and Winkell owed John North 55l. who being dead, and his widow being administratrix, commenced this action against Winkell, and set forth, that he levied a plaint in the counter against the administratrix, for this 55l. (but did not set forth, that it was due to him at the time of the plaint levied,) that she was summoned by a serjeant at mace to appear at the next court, who returned that she *nihil habuit* within the city, by which she might be attached, and she not appearing, Winkell affirmed *ore tenus*, that he owed John North 53l. (but did not set forth, that it was within the jurisdiction of that court) and prayed, that she might be attached by that money, in his own hands, to appear, which was done accordingly, and she not appearing in four courts afterwards, Winkell, at the fifth court, prayed execution of the said debt of 53l. so attached in his hands, and made oath, that John North owed him that money, and that his administratrix detained it from him, and thereupon he had judgment to recover the said 53l. in part of the 55l. due to him, and found pledges to restore, if the debt should be disproved by the administratrix within a year next ensuing, and averred, that the debt for which he was now sued was parcel of the said 53l. which could not be, because the 55l. was due to himself, and that the bond upon which the administratrix had declared against him, was given to her to secure part of the debt of the 53l. due from him to the said John North, which is contradictory to what he had averred before; besides, upon a demurrer to this plea, it was held, that the debt must be due to Winkell before he made the attachment; and he having set forth, that it was not due before that time, he cannot levy a plaint for a debt before it is due, and by consequence cannot have a foreign attachment to compel an appearance to such a plaint. *2 Lutw.* 977.

Ruled, that money owing on a judgment obtained in the king's court, cannot be attached. *1 Mod.* 103.

The plaintiff brought an action of debt in London against the Hambrough company, who not appearing upon a summons, and a *nihil* returned, an attachment was granted to attach the debts owing to the company in the hands of several persons; and this being removed by *certiorari* into B. R. it was objected, that the debts owing to a corporation are not attachable; but a *procedendo* was granted, for they are proper judges below, whether this is within the custom of London; if there is no such custom, and they rule that there is, the party grieved may have his remedy at law; so let them proceed according to their custom, at their peril. *1 Mod.* 212.

Debt upon bond, conditioned to pay 50l. before such a day; the defendant pleaded the custom of London of foreign attachment, *viz.* that where a man is indebted to another, and that man hath money due to him from one in London, that the creditor may attach it before it is due to him, and that such a creditor of the now plaintiff did attach 50l. in the defendant's hands before it was due to the plaintiff, and gave security, according to the custom, to repay the debt, if it should be disproved within a year and a day; and that on such a day (which was after the date of the bond) he paid the 50l. to the creditor up-

on a *sci. fa.* brought against him (the defendant) according to the custom; and upon a demurrer to this plea in bar, it was insisted, that a custom to attach money before it was due, could not be good; but adjudged, that it was, for though it might be attached as a debt, it could not be levied before it was due; and so the custom was laid. *Sid.* 327.

The case referred by the *Ch. Just. Holt*, at a trial before him, for the opinion of the judges, was thus: *Js.* Masters owed money to Gosfreight, and died, and the defendant Lewis, afterwards received 250*l.* due to Masters the intestate; Gosfreight contended the administration, and before it was granted, he levied a plaint in the sheriff's court against the archbishop of Canterbury, for the debt due to him from Masters the intestate; because, till administration granted, the ordinary did represent his person: upon this plaint, there was a *nihil* returned, and upon four summons, there was a *scire facias* and judgment against the archbishop; and this money was attached in the hands of the defendant, Lewis, as a debt due from the archbishop to the intestate; and it was afterwards condemned and paid to Gosfreight; then administration was granted to the plaintiff Masters, who brought an *indebitatus assumpsit* against Lewis; and upon *non assumpsit*, pleaded, the question referred was, whether this payment to Gosfreight was a good discharge to Lewis, by virtue of the custom of London of foreign attachment; and adjudged that it was not, because the plaint was levied against the archbishop, who was neither debtor nor debtee, therefore could neither sue nor be sued. The reason why money is attachable in the hands of the garnishee, is to make the real debtor appear, upon whose appearance, the garnishee is discharged, and then the debtor must put in bail to render his body, or pay the condemnation money; but the archbishop cannot be compelled to do either; and therefore he is not within the custom, nor the defendant Lewis either, because he was never indebted to the archbishop, and therefore could not be compelled to appear, by levying a plaint against the archbishop, to whom nothing was due; the plaintiff had judgment. *5 Mod.* 75, 92.

The case was: Wallis owed Snell 500*l.* and Parker owed Wallis 220*l.* which he assigned to Snell in part of his debt: Wallis being also indebted to Lewis in 250*l.* he levied a plaint against Wallis in the sheriff's court of London, suggesting, that Parker owed him 220*l.* which Lewis attached in the hands of Parker; and Snell became bail for Wallis at the suit of Lewis, and afterwards brought an *habeas corpus*, and removed the plaint into B. R. and was also bail for Wallis there, and Lewis declared against him there: afterwards Wallis came before a judge of B. R. and declared, that he never consented that Snell should be bail for him, either upon the attachment or upon the *habeas corpus*, and all was done without his knowledge; whereupon he prayed a *procedendo* to the action in London, which the judge granted, it being confidently affirmed to him, that no bail could be put in upon a foreign attachment, unless the lord-mayor was present, nor then, if the defendant did not consent; and upon this *procedendo* Wallis confessed the action below at the suit of Lewis, and he had judgment; and Snell, who was his bail, was taken in execution, and paid the money to Lewis. *Et per curiam*, after Wallis had assigned to Snell the debt due to him from Parker, it then became the right and property of Snell, and Wallis was then no more than a trustee for Snell; if so, then Snell being bail to the foreign attachment, it was *quasi* for Wallis, and by his assent, and that being done, both the foreign attachment, and all proceedings in it, are at an end; for the design of a foreign attachment is only to compel the defendant in the original action to appear; and after bail was put in upon the *habeas corpus*, and Lewis had declared in B. R. then the court was possessed of the cause, and it shall never be restored afterwards to the inferior court by any suggestion of the defendant, as it was done in this case by Wallis; therefore a *superfedeas* was awarded to the *procedendo*, *quia improvide*, &c. by which the judgment, and all the proceedings in the sheriff's court, were *coram non iudice*, and restitution was ordered to be made to Snell, and Lewis was left to proceed upon the action removed by the *habeas corpus*. *T. Jones*, 222.

Where a foreign attachment is pleaded to an action, the custom is to set forth, that he who levied the plaint shall have execution of the debt owing by himself, and by which he was attached, if the plaintiff in the original action shall not disprove it within a year and a day; now if the plaintiff in the action below doth not set forth such conditional judgment given by the court, it is wrong, because he doth bring his case within the custom. *2 Lutw.* 985.

In *assumpsit*, &c. there was evidence given, that the debt was attached by the custom of London before the action brought, and that it was condemned there before the plea pleaded; and this evidence was given upon the general issue *non assumpsit*, and it being insisted for the defendant, that this should relate so as to defeat the plaintiff's action; it was adjudged, that where there is an attachment and condemnation before the action brought, it may be given in evidence upon the general issue, because there is an alteration of the property; but if the attachment be only for the action brought, and the condemnation afterwards, the attachment may be pleaded in abatement, and the condemnation may be pleaded in bar, but shall not be given in evidence on the general issue, because by the condemnation the property is altered, but not before. *1. Salk.* 280.

In *assumpsit*, the defendant, in discharge of the note upon which the action was brought, produced the record of a foreign attachment, wherein the said debt was attached and condemned, and *Trevor, Ch. Just. of C. B.* held this a good discharge; but if the plaintiff could have shewed an original precedent to the attachment, so that it might appear, that the court was possessed of the action before the attachment, the plaintiff might have recovered, notwithstanding the debt was attached and condemned; but in this case, the declaration was between the time of the attachment and the condemnation, *1 Salk.* 291.

W. R. broke, and went beyond sea; but before he went, he assigned his goods to three persons, for the equal benefit of his creditors, two of these assignees being his creditors, set up a trustee for them to attach the goods in London: now, upon an attachment, there always goes a *scire facias* by way of *garnishment*, to which these two assignees, who were creditors, would not appear, but the third assignee, who was no creditor, offered to appear and plead; but the judge of the court refused his plea, unless he would appear for the other two, and thereupon moved for a prohibition, and the court inclined against the custom to compel one garnishee to appear for the rest; but the common serjeant said, that if he put in bail, and wage his law alone, that would dissolve the attachment. *Mod. Ca. Smith.* See MAYOR of London.

ATTENUANTS, or *attenuating medicines*, are such as subtilize and divide the humours into smaller particles, so that they may be more easily circulated through the vessels.

Attenuating and *inciding medicines*, are of very extensive use in the practice of physic, and come under different denominations, according to the different effects they produce. Thus, when tenacious and viscid juices not only stagnate in the cavities of the vessels, but obstruct the minute ducts of the viscera and emunctories, these medicines, by their inciding and attenuating quality, discharge the humours, and remove the obstructions; for which reason they may not improperly be called aperients. They also deserve the name of antiscorbutics, and sweeteners of the blood; for since the purity and proper temperament of the vital juices depend upon the due secretion and excretion of every thing superfluous and recrementitious in the constitution, and since the necessary degrees of secretion and excretion are intercepted by the minute ducts of the glands and emunctories being blocked up by thick and viscid juices, it is therefore obvious, that such medicines as attenuate the viscid humours, and remove obstructions, must be sweeteners of the blood, and excellent remedies against the scurvy, in which the humours have evidently lost their due temperament, are become impregnated with heterogeneous, viscid, saline, sulphureous, and acrid principles. *Hoffman*.

ATTIC, in architecture, implies a kind of building, wherein there is no roof or covering to be seen, the buildings

buildings of Athens being generally of this form ; whence the name.

ATTIC order, according to M. le Clerc, is a kind of rich pedestal. Some architects give it the several capitals of all the orders of columns ; but he says, the Ionic, Roman, and Corinthian, do not at all become it. The best way, in his opinion, is only to distinguish the capitals by a difference in their mouldings ; which may be made more or less simple, and more or less delicate, according to the relation they are to bear to the architecture underneath.

The name *Attic* is also given to a whole story, in which this order enters ; this little order being always found over another that is greater.

This pedestal, or false pilaster, he says, ought always to have the same breadth with the column or pilaster underneath ; and its height may be equal to a third, or even a half of the same column or pilaster by which it is supported.

ATTIC continued, is that which encompasses the whole contour of a building, without any interruption, following all the jets, the returns of the pavilions, &c.

ATTIC interposed, is one situate between two small stones, sometimes adorned with columns or pilasters.

ATTIC base, is a peculiar kind of base in the Ionic order, by the ancient architects ; and also by Palladio, and other moderns, in the Doric. It is the most beautiful of all bases.

ATTORNEY, is a person appointed by another to do any thing in his stead, and is as much as *procurator* or *syndicus*, in the civil law. *Cowell. West*, in his *Symb. part. 1. lib. 2, sect. 559*. defines *attornies* thus : *Attornies* are such persons as by the consent, commandment, or request of another, do take heed, see to, and take upon them, the charge of other men's business in their absence. —But the person here first treated of, is an *attorney* at law, who is appointed to prosecute and defend for his client, and is considered as an officer belonging to the courts of justice ; concerning whom are several statutes and adjudications.

In respect of the several courts, there are *attornies* at large, and *attornies* special, belonging to this or that court. An *attorney* may be solicitor in other courts, by a special retainer. One may be *attorney* on record, and another do the business ; and there are *attornies*, who manage business out of the courts, &c.

4 *Hen. IV.* it was enacted, that the justices should examine *attornies*, and remove the unskilful ; and *attornies* shall swear to execute their offices truly, &c. The statute 33 *Hen. VI.* and *VII.* was made to restrain the number of *attornies*. None shall be admitted *attornies* in courts of record, but such as have been brought up in the said courts, or are well practised and skilled, and of an honest disposition ; and no *attorney* shall suffer any other to follow a suit in his name, on pain of forfeiting 20 l. to be divided between the king and the party grieved. *Attornies* are to take the oaths of the government, under penalties, and disability to practise, 13 *Will. III. c. 6*. By an order of all the judges, *attornies* are to be admitted of some inn of court, or chancery (except house-keepers in London and Westminster, &c.) and none shall be sworn an *attorney* till he is thus admitted. No *attorney* shall put himself out of the society he is admitted of till he is admitted of some other society, and deliver a certificate thereof ; and all *attornies* are to be in commons, at the times ordered by the society to which they belong ; and offending therein, shall be put out of the roll of *attornies* : *Ordin. Mich. 3 Ann.* Attachments have been granted against those who have disobeyed this order, in not being admitted of some inn, &c. after service of the order. The act *Geo. II. c. 23*, ordains, that all *attornies* shall be sworn, admitted, and inrolled, before allowed to sue out writs in the courts at Westminster ; and, after the 1st of December, 1730, none shall be permitted to practise, but such as have served a clerkship of five years to an *attorney*, &c. duly sworn and admitted ; and *attornies* shall not have more than two clerks at one time, &c. He who is an *attorney* at one time, is *attorney* at all times pending the plea, 1 *Danv. 609* : and the plaintiff or defendant may not change his *attorney*, while the suit is depending, without leave of the court, which would

reflect on the credit of *attornies*, nor until his fees are paid, *Mich. 14. Car. II.* *Attornies* have the privilege to sue and be sued only in the courts of Westminster, where they practise ; and they shall not be chosen into offices against their will.

The youth, desirous of being an *attorney*, ought to have a clear, solid, and unclouded understanding, indefatigable patience and industry, and a prodigious memory, together with a genteel person, great fluency of speech, and both the behaviour and liberal education of a gentleman. He ought, in particular, to be acquainted with the Latin tongue ; though, as all law proceedings are now in English, that language is not so necessary as it was formerly. He should be able, upon occasion, to express his thoughts in writing, with great clearness and purity of language ; and to write with expedition a good bold round hand, and the secretary, or that commonly used in ingrossing. He should also know so much of the old court hands as to be able to read them ; and it is absolutely necessary, that he should be well versed in the rules of arithmetic. It is likewise proper, that he should understand the old French and the low Latin abbreviations ; for though the use of these is now laid aside, the young clerk will find them of service, in case he should have occasion to search court, or examine ancient deeds : but this knowledge he may easily acquire during his clerkship.

The young gentleman, who designs to engage in this profession, ought to be possessed of an incorruptible integrity, and to be above harbouring the thoughts of gaining money by little mean and low arts : he should be possessed of a fortune sufficient to prevent his lying under the temptation of having recourse to base methods of obtaining money, and have too much humanity and good-nature, to treat a person in distress with disrespect. In short, a parent or guardian ought to be very solicitous to find out a master for him of known integrity, and sufficient practice. This is the more necessary ; for the temptations to which the youth will be liable from the example of his fellow-clerks are, in London, so numerous, that if to these be added his master's want of honesty, scarce any thing less than a miracle can save him from ruin.

The sums *attornies* take with their clerks are very different : they serve only five years, and ought to be at least sixteen years old before they are bound ; but when their clerkship is expired, they are able to get, by acting as clerk to an *attorney*, little more than a common mechanic. When all these circumstances are considered, it must appear how absurdly those parents act, who having no fortune to give to a son, bring him up to be an *attorney's* clerk ; and thus force him to be contented with an income more precarious, and not much more considerable, than that of a journeyman-taylor, or to become a nuisance to society, by being a poor petti-fogging *attorney* : an employment equally base, scandalous, and injurious to society.

The good-natured *attorney*, who is a man of honour and conscience, not depending entirely on his profession for a support, will have numerous opportunities of saving an unhappy debtor from the miseries of a jail, by fairly and candidly representing his case to the creditor ; and, by acting as a mediator, he may frequently prevent troublesome and expensive law suits. An *attorney*, who thus behaves, acts up to the dignity of his character, and is a most worthy and amiable member of society. He finds that the integrity of his conduct is attended with the approbation of his own conscience ; and that where he seems most to act against his own interest, he most promotes it : he establishes a reputation among the honest and worthy part of mankind, that makes him diligently sought for by every good man who needs his assistance ; and as he encreases in wealth, he encreases in the esteem and regard of mankind. Let not any one imagine, that this amiable *attorney* is a fictitious character ; it is taken from the life ; and there are doubtless many others, who are equally an ornament to their profession.

The knowledge of an *attorney* ought to be very extensive : he should be acquainted with all the forms of proceeding in the different courts, and with the nature and names of the several actions ; be able to draw up, execute,

cute, and register all instruments or deeds, of what kind soever, and to prepare and conduct all proceedings in law. More particularly, he should be able, from his client's information, and the writings put into his possession, clearly to comprehend his case, and to draw up a compendious state of it. He must then proceed to expedite the proper writ against the adversary; and have him served, or attached, according to the circumstances of the action. He then compels him to appear, or enter an appearance; and enters a declaration against him; a paper containing his client's claim, with a conclusion for the recovery of costs and damages: he next obliges his adversary to answer this declaration; and, if necessary, makes a rejoinder and replication. At last, both parties join issue, and a record is made of all the past proceedings, and a rule of court is entered for trial against a certain day. For this he prepares by drawing up briefs for the council; that is, a short and accurate state of the case, the witnesses names, and the questions to be asked in support of the allegations in the original declaration. After verdict is obtained, he enters upon judgment, and obtains executions against his adversary's person or goods. He must know how to guard against all the after-claps of the law, as writs of error, injunctions, &c. and knowing all the windings and shiftings of this intricate science, guard against all the chicanery and villainy of its professors. From which it evidently appears, that no one can be a good *attorney* who is not endowed with very extraordinary abilities.

ATTORNEY, under this denomination, should be considered also any private person legally authorized by another to pay or receive monies, sue, or transact any other kind of business, in the name of such person who shall appoint him or her their lawful attorney.

This power or authority is transferred to another, by virtue of what is called a *letter of attorney*; which must always be drawn up in a legal manner, suitable to the peculiar nature and circumstance of the case. It is necessary, therefore, that a skilful person should be made choice of, especially in cases of consequence, to draw up such like instruments with judgment and legality; for, by trusting to common general forms, which any blockhead may collect, when suitable variations therefrom are required, is too often the cause of involving traders in great perplexities and expensive law-suits.

In regard to merchants constituting or appointing other persons to transact business in foreign countries, by the way of *attorney* or *procurator*, such instruments of authority should always be drawn up by notary-publics, or exchange-notaries, who are presumed to be persons of judgment, as well as reputation in their profession, and whose names and signatures are well known in foreign nations.

The form of a general letter of attorney from A. B. to C. D.

Know all men by these presents, that I, A. B. of London, merchant, have named and constituted, and by these presents do name, appoint, and make my trusty friend, C. D. of Bristol, merchant, my true and lawful attorney, for me, and in my name, and to my use, to demand, sue for, recover, and receive, of J. W. of Bristol, merchant, the sum of _____ to me due and owing, by and from the said J. W. giving and hereby granting unto my said attorney, my full power and authority to use and exercise all such arts, things, and devices in the law, as shall be necessary for recovering of the said debt; and acquittances, or other discharges, in my name, to make and give; and generally to do and execute in the premises, as fully as I myself might or could do, being personally present; rectifying, confirming, and allowing all and whatever my said attorney shall lawfully do, or cause to be done therein, by these presents.

In witness whereof, I have hereunto set my hand and seal, this _____ day of _____ in the 6th year of the reign of our sovereign lord, George III. of Great-Britain, France, and Ireland, king, defender of the faith, &c.

Sealed and delivered (being first duly stamped) in the presence of A. B.

Provisions made by law to prevent attorneys imposing on their clients.

An attorney, solicitor, or servant to any, shall not be

allowed any fees given to counsel, or for copies, unless he have tickets thereof, signed by the hands of them that receive such fees; and he shall also give unto his client true bills of all the charges of suit under his own hand, before he can charge his client with the payment thereof; and if he delay his client's suit for gain, or demand by his bill allowance for money which he hath not disbursed, the client shall recover against him his costs and treble damages, and he shall be for ever after disabled from being an attorney or solicitor. *Stat. 3. Jac. I. c. 7. s. 1.*

If any person convicted of forgery, or of wilful and corrupt perjury, shall practise as an attorney, solicitor, or agent, in any suit or action, in any court of law or equity within England, the judges of the courts, where such suit or action is brought, shall, on complaint, or information thereof, examine the matter in a summary way, in open court; and, if it shall appear to their satisfaction that the person complained of hath offended contrary to this act, the judges shall cause such offender to be transported for seven years. *Stat. 12. Geo. I. c. 29. s. 4.*

Furthermore, no attorney or solicitor shall commence an action for fees, till the expiration of one month after he shall have delivered to the party a bill of such fees, &c. written in plain English (except law-terms and names of writs) and, upon application of the party, chargeable by such bill, to the chancellor or master of the rolls, or to any of the courts wherein the business contained in the said bill, or the greatest part thereof in value, shall have been transacted; and, upon submission of the said party, to pay the sum, that, upon taxation, shall appear to be due, it shall be lawful for the lord chancellor, &c. to refer the said bill to be taxed by the proper officer, without any money being brought into court; and, if the attorney or solicitor, or client, neglect to attend such taxation, the officer may proceed to tax the bill; which sum, so taxed, being paid, shall be a discharge of the bill: and, in default of non-payment, the party shall be liable to an attachment, or process of contempt, or such other proceeding, at the election of the attorney or solicitor, as such party was liable to; and if, on such taxation, it shall be found, that the attorney or solicitor shall have been overpaid, he shall refund to the party intitled, or to any person by him authorized, if present at the settling thereof, or otherwise as the court shall direct, all the money that the officer shall certify to have been overpaid; and in default thereof, the attorney or solicitor shall in like manner be liable to an attachment, or process of contempt, or such other proceeding, at the election of the party; and the courts are required to award the costs of such taxation, to be paid by the parties according to the event of the taxation, viz. if the bill taxed be less by a sixth part than the bill delivered, then the attorney or solicitor is to pay the costs; but, if it be not less, then the court, in their discretion, shall charge the attorney, or client, in regard to the reasonableness, or unreasonableness of such a bill.

ATTORNEY of the dutchy court of Lancaster, is the second officer in that court, and seems, for his skill in law, to be there placed as *assessor* to the chancellor, and chosen for some special trust reposed in him, to deal between the king and his tenants. *Cowell.*

ATTORNEY general, is a great officer under the king, made by letters patent. It is his office to exhibit informations, and prosecute for the crown in matters criminal; and to file bills in the exchequer, for any thing concerning the king, in inheritance or profits; and others may bring bills against the king's attorney. His proper place in court, upon any special matters of a criminal nature, wherein his attendance is required, is under the judges, on the left hand of the clerk of the crown; but this is only on solemn and extraordinary occasions; for usually he does not sit there, but within the bar, in the face of the court. *Jacob.*

AVA. The empire of *Ava*, including the kingdom of Pegu, lies between Independent Tartary on the north; the Indian sea on the south; Siam on the south-west; part of Bengal and its gulph, on the west; and part of China, Tonquin, and the kingdom of Laos, on the east. The most southern country, that used to be called the kingdom of Pegu, is very fruitful in corn, fruits, roots, and excellent pulse of several sorts, and produces timber for building, elephant's teeth, bees-wax, stick-lack, iron, said to be of so hard a quality that it is almost a natural steel; tin, oil

oil of earth, wood-oil, the best rubies in the world, small diamonds, sapphires, amethysts, and other precious stones. They have abundance of salt-petre, but it is death to export it; and plenty of lead, which passes here for money. About twenty sail of ships find their account in trade for the limited commodities, but the Armenians have got the monopoly of the rubies, which turns to a good account in their trade.

The people wear none of our European manufactures but hats and ribbands; so that the gentry will give extravagant prices for fine beaver hats, and rich ribbands, flowered with silver and gold. Cotton-cloths from Bengal and Coromandel, with some striped silks are best for their market; and silver of any sort is welcome to them. It pays the king eight and a half *per cent.* custom; but, in lieu thereof, he indulges the merchants to melt it down, and put what alloy they please in it, and then to pass it off in payment as high as they can. Rupee-silver, without alloy, will bear twenty *per cent.* of copper alloy, and keeps the Pegu touch, which they call flowered silver; and if it flowers, it passes current. They make flowered silver thus: when the silver and copper are mixed and melted together, they put it, while liquid, into a shallow mould, and blow on it through a small wooden pipe, which makes the part blown up appear with the figures of flowers, or stars; but, if there is too great a mixture of alloy, no figures will appear. The king generally adds ten *per cent.* on all silver that comes into his treasury, besides what was put on at first; and, though it be not flowered, it must go off in all its payments; but from any body else, it may be refused, if not flowered.

Syriam, the only port now open for trade in all the Pegu dominions, is capable of receiving a ship of six hundred tons. The Portuguese, who had this port given them by the king of Arracan, to reward their services to him in his wars, held it many years; but, through their pride and insolence, were obliged in 1614, to quit it, and the trade was restored to the Moors. It drives a good trade with Armenians, Portuguese, Moors, Gentoos, and some English. Their imports are several sorts of Indian goods, as betellas, mulmuls, tanjebbs, and European hats, and silver; and the customs here, which are almost eight and a half *per cent.* amount, with other charges, to twelve in the hundred.

As soon as foreign ships arrive here, the number of people on board, with their age and sex, is sent to the king, to acquaint him, that so many of his slaves are arrived, to partake of the glory and happiness of his reign and favour. See ARRACAN.

AVAST, a sea term, signifying, *stop*, or *enough*.

AUCTION, a kind of public sale, now very much used for every thing, as household goods, books, plate, &c. By this method of sale, the highest bidder is always the buyer.

AUDIT, a regular examination of account, by some proper officer.

AUDITOR, is an officer of the king, or some other great person, who examines yearly the accounts of all under-officers, and makes up a general book, which shews the difference between their receipts and charge, and their several allowances, commonly called *allocations*: as the *auditors* of the *Exchequer* take the accounts of those receivers who collect the revenues. 4 *Inst.* 106. Receivers general of fee-farm rents, &c. are also termed *auditors*, and hold their *audits* for adjusting the accounts of the said rents at certain times and places appointed. And there are *auditors* assigned by the court to *audit* and settle accounts in actions of account, and other cases, who are proper judges of the cause, and pleas are made before them.

AUDITOR of the receipts. An officer of the *Exchequer*, that files the tellers bills, and having made an entry of them, gives the lord treasurer, &c. weekly a certificate of the money received: he makes debentures to the tellers, before they pay any money, and takes their accounts; he also keeps the *black book* of receipts, and the treasurer's key of the treasury, and fees every teller's money locked up in the treasury. 4 *Inst.* 107.

AUDITORS of the *imprest*, are officers in the *Exchequer*, who have the charge of *auditing* the great accounts of the

king's customs, naval and military expence of the *mint*, &c. and any money *imprest*ed to men for his majesty's service. *Pract. Excheq.* 83.

AVENCHES, in *Switzerland*, on a hill near the lake Morat, was the capital of the country of the Helvetians; it has a most delightful situation, and here are found some good remains of antiquity. It is a great pass, and and some years since, the natives have made some plantations of tobacco, which, with those of *Pay-erne*, and its neighbourhood, very near furnish a sufficiency for the canton's consumption, and produce a considerable revenue to the inhabitants, whose soil being very fertile, is likewise abundant in grains and fruits.

AVERAGE and *contribution*, are synonymous terms in marine cases, and signify a proportioning of a loss to the owners of goods thrown over-board in a storm (in order to preserve the remainder, with the ship and the lives of the men) with the proprietors of those that are saved, and of the vessel.

And as ships in their voyages are exposed to storms, and often saved from perishing, by casting goods over-board to lighten them, it has, therefore, been always allowed, and is justified both by laws and custom, and in case of imminent danger, any thing may be thrown away to evade it; though as heavy goods seem most likely to answer the purpose, and are generally least in value, they should be first destined to destruction.

However, to make this action legal, the three following essential cases ought to concur.

1st. The ship must be in evident hazard of perishing, with her cargo and crew.

2d. The resolution the captain takes on this melancholy occasion, should be in consequence of a consultation held with his officers and sailors, to endeavour to save themselves, ship, and cargo, either by throwing some goods over-board, or by cutting some of the masts, &c. away, and by occasioning these extraordinary expences, strive to secure the remainder for the proprietors benefit.

3d. That the ship and cargo, or the parts of them that are saved, have been saved by the means used, with that sole view.

Agreeable to these three axioms, it must be concluded, that all the expences and losses, which are thus voluntarily made to prevent a total one of ship and cargo, ought to be equally borne, by the ship and her remaining loading.

But all that which is broken or lost by a storm, as anchors, cables, masts, sails, cordage, &c. is not to be comprehended in common *averages*, because the tempest only was the occasion of this loss, and not made by the deliberation of the master and his crew, with the view to save the ship and loading; though on the contrary, if after advice taken by the company, or major part of them, the captain cuts away, or abandons any thing of the ship or cargo, with a view to prevent a greater misfortune, all that which is so cut away, &c. must be brought into an *average*.

If the ship happily out-weather the storm, and arrives in safety at her destined port, the captain must make his regular protests, and besides, *jointly* with the major part of his crew must swear, that the goods were cast over-board for no other cause, but purely for the safety of ship and lading; and the method of elucidating and clearing up this point, varies according to the several countries, and places they arrive at.

The ship arriving in safety, those goods she brings with her, must come into an *average*, and not only those that pay freight, but *all* that have been saved and preserved by such *ejection*, even money, jewels, clothes, &c. are not exempted. But a man's apparel in use, victuals, &c. put aboard to be spent, are totally excluded from the contribution.

In the rating of goods by way of contribution, this order used to be always observed, viz. if they are cast over-board before half the voyage be performed, then they are to be estimated at the price they cost; and if after, then at the price as the rest, or the like sorts, shall be sold at the place of discharge; and this regulation continues still in France and Holland, though here and elsewhere, the lost and the saved are sometimes estimated

as the latter sell for. *Joh. Locinius, lib. ii. cap. 7. de Jactu*; and 8 *de Contribut.*

The owner of the goods that have been thus ejected, or his factor, should take care to have the loss valued before the ship's discharge, in which the master ought to assist, and settle all averages before he unloads.

And it is not only the goods that are thrown over that must come into the *average*, but those also which shall have received any damage, by the action of the others' ejection, by wet, &c. *Leg. Navis 4. ad Leg. Rhod. and Venius's comment, fol. 235.*

If goods shipped in England are in a tempest thrown over-board, in order to preserve the vessel and crew, and these goods are taken up and preserved by another English ship, the owners bring *trover*, it lies, because delivered upon the land. 2 *Roll's Rep.* 498. *Caps v. Tooker.*

It is lawful for persons to cast goods over-board, out of a ferry-boat, in case of a tempest, to preserve their lives; but if the ferry man surcharge the boat with goods, the owners of them shall have their remedy against him, but no otherwise. 12 *Coke* 63. 2 *Bulstr.* 280.

So if an ejection of goods from any ship, is occasioned by the indiscretion of the master's lading her above the *birth-mark*, it is customary in such cases, by the marine laws, to have no contribution made, but satisfaction is due from the ship, masters, or owners. *Lust. Sernus. S. 27 and Si. 23. ad Leg. Aquil.*

And as this law doth take care, that such common calamities shall be borne by all the interested parties, by a general contribution, so the *common law* takes notice of the misfortune, and makes provision for the masters' indemnification; and therefore if the owner of such ejected goods, shall bring an action against the owner or the master of the vessel, the defendant may plead the special matter, and the same shall bar the plaintiff.

As the common law looks upon the goods or cargo as a pawn or pledge for the freight, so the marine law looks upon them likewise as a security for answering any *average* or *contribution*, and that the master ought not to deliver them (*as above*) till the *contribution* is settled, they being tacitly obliged for the one as well the other. *Ad Leg. Rhod. lib. ii.*

If a lighter, skiff, or the ship's boat, into which part of the cargo is unladen, to lighten the ship, perish, and the ship be preserved, in that case contribution is to be made; but if the ship be cast away, and the lighter, boat, or skiff, be preserved, there no *contribution* or *average* is to be had, it being a rule, *no contribution but where the ships arrive in safety.* *F. de Leg. Rhod. Leg. Navis must. Leg. Navis ad. Leg. Rhod. de Jactu. Moor* 297.

If a ship be taken by enemies or pirates, and the master, to redeem her and cargo, promises a certain sum of money, for performance whereof he becomes a pledge or captive in the hands of the captor; in this case he is to be redeemed at the expence of the ship, lading, and money (if any on board) all being obliged to contribute for his ransom, according to each man's interest. *Leg. Rhod. de Jactu. lib. ii. Si. Navis a Piratis.*

So where a pirate takes part of the goods, to spare the rest *contribution* must be paid. *Moor f. 297. pl. 443. Hicks v. Palington.*

But if a pirate takes by violence part of the goods, the rest are not subject to *average*, unless the merchant hath made an express agreement to pay it after the ship is robbed: though if part of the goods are taken by an enemy, or by letters of mart or reprisal, *e contra.* *Grot. de Introd. Jur. Holl. p. 29.*

In settling an *average*, an estimate must be made of all the goods lost and saved, as well as of what the master shall have sacrificed of the ship's appurtenances to her preservation, and that of her cargo; and if any thing flung into the sea, is again recovered, *contribution* is only to be made for the damage it shall have received. *Pekeus ad Leg. Rhod. de Jactu. fol. 196, 197, 198.*

The pilot's fee that brought the ship into port or haven, for her safeguard (it being not the place she was designed for) must be contributed to, as the raising her from the ground must be, when there is no fault in the master.

If a master of a ship lets her out to freight, and in consequence thereof receives his loading, and afterwards

takes in some goods, without leave of his freighters, and on a storm arising at sea, part of his freighter's goods are thrown over-board, the remainder are not subject to an *average*; but the master must make good the loss out of his own purse. *Grot. de Intro. Jur. Holl. 329. Venius and Peckeus Com. on the laws of Rhod. fol. 236.*

If a ship is taken by force and carried into some port, and the crew remains on board to take care of, and reclaim her, not only the charges of such reclaiming shall be brought into an *average*, but the wages and expences of the ship's company during her arrest, and from the time of her capture and being disturbed in her voyage. *J. P. Ricard. Le Negoce d'Amsterdam, p. 279.*

But the sailors' wages, &c. of a ship detained in port by order of state, shall not be brought into an *average*, and the reason assigned for it is, that in the preceding case, the crew remained aboard to take care of the vessel, whilst they were endeavouring to reclaim her, and these charges were occasioned with the sole view of preserving the ship and cargo for their proprietors; but in this latter case, there was no room for such a pretence, as the embargoing sovereign would not have either ship or cargo, but only hinder their departure for some political reasons, wherefore it could not be said that the ship's company remained on board to prevent an intire loss; the only motives to be offered for an *average.* *Ditto, and he from Mr. Adriaan Verwer on the marine laws of the Low Countries.*

Nevertheless, it seems that both reason and justice require that the expence and wages of a ship's company detained in port by a prince's order, should be brought into a general *average*; for if, on one side, the merchants who have loaded her, are considerable sufferers by the delay, in the arrival of their goods at the destined ports, the owners of the ship are not less so, more especially if the crew is large, and the detention long; and those who drew up the ordinance of Lewis XIV. very well perceived in part, that to oblige the owners of a vessel so detained, to support the whole expence, would be a great hardship and injustice, as the seventh article of the said ordinance (under the title of *averages*) expresses in direct terms, viz. "The food and wages of sailors, belonging to a ship embargoed by an order of state, shall be also reputed as part of general *averages*, if she is hired by the month; but if she is freighted by the voyage, they shall be borne by her alone."

From whence, we should think it ought to be concluded, that although a ship freighted by the month or voyage, is only mentioned in the foregoing, yet when the proprietors of a vessel hire her crew by the month, they have a right to bring the expence and wages of their sailors into an *average*, for the whole time that the ship shall be detained; though, on the contrary, they cannot justly pretend to bring the expence of the mariners into an *average*, when they are hired for the voyage, as the expence only is always the same, whether they be hired by the month or voyage, and being occasioned by the will of the sovereign who laid the embargo, we do not see that there ought to be any distinction, unless there were some goods aboard, which were the cause of her arrest; for in this case it would be reasonable, that the said merchandizes should pay the whole expence.

Though it should be noted, the charges of unloading a ship, to get her into a river or port, ought not to be brought into a general *average*, but when occasioned by an indispensable necessity to prevent the loss of ship and cargo; as when a ship is forced by a storm to enter a port to repair the damage she has suffered, if she cannot continue her voyage without an apparent risque of being lost; in which case, the wages and victuals of the crew are brought into an *average* from the day it was resolved to seek a port to refit the vessel, to the day of her departure from it, with all the charges of unloading and reloading, anchorage, pilotage, and every other due and expence, occasioned by this necessity.

The master of a ship, who is obliged from the foregoing motives, to cut away, or throw over-board, any of his masts, rigging, &c. has a privileged hypothecation, and the right of detention of the goods he shall carry to their destined port, till they contribute to a general *average*; and it is to be observed, that goods cast over-board to lighten the ship, make no *derelict.* 5 *Co.* 107. b.

Petty AVERAGE, is a small duty joined to *primage*, which custom has made a master's perquisite, *extra* of the freight, and is commonly here five *per cent.* as it has been settled in France and Holland, &c. though ten *per cent.* is commonly paid in this latter, notwithstanding two public edicts which limit it to half the sum: the origin of it was, an allowance made to masters of vessels for sundry petty expences, to which the loading was obliged to contribute, but has been for some years past transmuted to the terms aforesaid. *See more upon the subject of averages under the title of INSURANCE; also see the article AMSTERDAM, under which head the regulations of the DUTCH INSURANCES are amply treated.*

AVIGNON-BERRY, the fruit of a shrub, produced in great plenty near Avignon in France, somewhat less than a pea, of an astringent and bitter taste, its colour green, inclining towards a yellow. It is much used by dyers and painters.

AUNCÉL-WEIGHT, (*quasi, hand sale weight*, or from *ansa*, the handle of the balance.) An ancient manner of weighing, by the hanging of scales or hooks at each end of a beam or staff, which by lifting up in the middle with one's finger or hand, discovered the equality or difference between the weight at one end, and the thing weighed at the other. This method of weighing being subject to great deceit, was prohibited by several statutes, and the even balance commanded in its stead, as 25 *Edw. 3. ft. 5. c. 9.* 34 *Edw. 3. c. 5.* 8 *Hen. VI. c. 4.* and 22 *Car. 2. c. 8.* But notwithstanding it is still used in some parts of England; and what we now call the *stiliards*, a sort of hand-weighting among butchers, being a small beam, with a weight at one end (which shews the pounds by certain notches) seems to be near the same with the *auncel-weight*. *Cowell. Jacob.*

AUNIS, the smallest province in France, is bounded on the west by the ocean; on the north by Poictou, from which it is separated by the river Sevre; and, on the east and south, by Saintonge. This province is very fruitful, and well peopled.

Rochelle, in this province, has been always a very considerable port and trading-town. Without the leave of the governor of the tower of the Chain, no vessel can enter into the harbour. They drive here a considerable trade into the islands of America; and the English, the Dutch, the Swedes, and the Danes, send here yearly a vast number of ships, to load wine, brandy, salt, paper, and linen cloths. The merchants here send all the necessaries of life into America, and bring back from it its products. Their chief manufacture here is the refining of sugar; they have also set up of late a manufacture of earthen-ware, which succeeds very well. Here is a sovereign court for the salt-marshes in the west, and a court of the mint.

AVOGASIA, part of Mingrelia, is abundant in flax, hemp, pitch, wax, and honey, though this last is commonly bitter, by reason of the bees gathering it from the box and yews that grow here in plenty. Vermillion is found in an almost inaccessible rock; and it is in several parts of this province, that the true rhapsodic is met with, which many take for rhubarb, and what dishonest drug-gifts sell for it.

AVOIRDUPOIS-WEIGHT, a kind of weight used in England, the pound of which consists of sixteen ounces. This is the weight for the larger and coarser commodities, as groceries, cheese, wool, lead, hops, &c. Bakers who live not in corporation towns are to make their bread by *avoirduois-weight*; those in corporations, by troy-weight. Apothecaries buy their drugs by *avoirduois-weight*, but sell by troy.

AURICHALCHUM, among the modern writers, signifies a fictitious metal, commonly called brads. It is a mixture of copper and calamine-stone, melted together by a very fierce fire.

AURIPIGMENTUM, or ORPIMENT. *See ARSENIC.*

It is commonly used by painters for a gold colour, and as a depilator, with quick-lime, at the bagnios; it is also an ingredient in the making of shot, and in the sympathetic inks, which, by their fumes, render certain invisible inks conspicuous. We have seen it in stalks of a most vivid, beautiful red, green, and yellow transparent colours, brought from abroad, in hopes of obtaining

gold from it; but the experiment did not answer.

AURUM, gold. *See GOLD.*

AURUM fulminans, in chemistry, a preparation of gold, made by dissolving gold in *aqua regia*, and precipitating with oil of tartar, after which the powder must beedulcorated and dried in the shade.

The powder thus prepared is more in quantity than the gold that was employed by one fourth of its weight. If it be heated beyond a certain degree, which is a very mild one, it goes off with a loud explosion, and this whether the heat be given it by fire, or by only rubbing it too violently. This effect is prevented by adding a larger quantity of oil of tartar than is necessary in the preparation.

It is sometimes given inwardly as a diaphoretic; but it may be more truly said to relax the intestines, as was observed by Ludovicus and Koning, who affirm that this preparation being given in fevers, in which the patient inclines to a diarrhæa, promotes that discharge, and on that account sometimes proves fatal. *Geoffroy.*

AURUM potable, or tincture of gold, a medicine formerly of great request, but at present rarely if ever used. It is prepared by mixing essential oil of rosemary, with a solution of gold in *aqua regia*, and after shaking the vessel, the gold will be retained in the oil, swimming on the top. This oil is separated by inclination, and afterwards digested for a month in highly rectified spirit of wine.

But, after all, this is not a genuine tincture of gold, being only the gold divided into very small parts by the spicula of the *aqua regia*, swimming in the oil of rosemary; nor can there be any radical tincture of gold, which may not, by evaporating the oil, be reduced to a powder, and the powder by melting reduced into gold. The virtue of this tincture are entirely owing to the oil of rosemary.

AUSTRIA, an archduchy in Germany, has Hungary on the east, Bavaria on the west, Bohemia on the north, and Styria on the south. It is a plentiful country, and produces a great quantity of corn and pasture, and of better saffron than what comes from the Indies, besides all other necessaries. It is commonly distinguished by geographers into *Upper and Lower Austria*, and indeed is naturally so divided by the river Ens, which falls into the Danube. We shall take a cursory view of such of its divisions, towns, and places, as are most remarkable for trade and commercial articles.

Lintz, the capital of *Upper Austria*, has an excellent manufacture of gun-barrels, a good trade in linen cloth, and two fairs at Easter and Bartholomew-tide, much frequented by foreigners. From this place to Munich, are many plantations of hops.

Gemund, a town at the mouth of the Draun, where it falls into the Gemunder-lake, has a considerable trade in salt, which is made at Halstadt in the neighbourhood, brought hither by the lake, and exported as far as Vienna, which is a hundred and eighteen miles from hence.

Krems, a city forty miles west of Vienna, has a great trade, especially at its two yearly fairs, which begin on St. James's and St. Simon and St. Jude's days, hold each a fortnight, and are frequented by merchants and tradesmen from all parts of Germany, Bohemia, Moravia, Hungary, and Poland.

The duchy of *Styria*, lying between Austria and the Save, abounds with wine, fruit, mines of iron, salt, and such plenty of corn, that they want vent for it. But the Upper Styria has no wine, so that they barter wool, butter, cheese, &c. for it, with Lower Styria.

Eisenartz, forty miles north-west of Gratz, is famous for its mines and forges of iron, from whence it has its name. The mines were discovered in 712, and have been worked ever since, without any sensible decay.

They employ nineteen mills on two small rivers in the neighbourhood, with a vast number of labourers, who live here, and supply the neighbouring parts with this metal, and all Germany with steel. Here is a yearly fair, where hemp, leather, tallow, and all necessaries, are bartered for their iron and steel. Their works were formerly managed by nineteen officers; but the emperor Ferdinand II. incorporated these mines of Styria and those of Austria, under a lieutenant.



British Miles 60 to a Degree
5 10 20 30 40 50 60

ELECTORATE

BOHEMIA

MORAVIA

Upper Austria

Lower Austria

Styria

ELECTORATE

BOHEMIA

MORAVIA

Upper Austria

Lower Austria

Styria



Tyrol has *Swabia* and *Bavaria* on the north, the *Grifons* and *Trent* on the south, *Carinthia* on the east, and *Switzerland* on the west. Here are mines of silver, iron, and copper, but the latter much short of what they were formerly, when they constantly employed 30,000 people, but now not 2000. From these mines of metal, and others of salt, the emperor has a considerable revenue.

At *Innsbruck*, the capital of *Tirol*, was formerly made great store of salt, but for some years past the pits have been dry, which is reckoned a loss to the city of no less than 200,000 florins a year.

Halle, the second city of *Tirol*, is famous for its salt-works, where several hundred men are constantly employed, either in the works, or cutting fuel for them. The chief of them are in the mountains, four miles from the town; but the water the salt is made of, after having stood a month there in the trenches, is brought to the town by troughs, to be boiled in great pans or cisterns, each forty-eight feet long, thirty-four broad, and three deep. Three of them are continually boiling, and one of them rests a week alternately. These salt-works, and a mint established here, have rendered this town, though so near to *Innsbruck*, almost as populous as that capital. Here they can coin a great quantity of specie from the silver and copper taken out of the mines of *Tirol*, in which, it is said, seven thousand men, women, and children, are constantly employed, and the water is brought to it by wooden pipes. They drive also a great trade in copper and tin, as well as salt; the vent whereof is much promoted by the river *Inn*, which here becomes navigable.

Bolzano, as it is called by the Italians, or *Pozen* by the Germans, twelve German miles from *Innsbruck*, is a place of good trade, especially at its four yearly fairs, which hold each a fortnight, and to which great numbers of merchants resort from Germany, Switzerland, and Italy, for whose sake great privileges have been granted to the city. During these fairs, merchants are allowed magistrates and judges of their own, distinct from those of the town; and none are permitted to trade, without being entered in the judges books, and a certificate of the entry under the seal of the corporation.

At *Roveredo*, on the east side of the *Adige*, eleven miles south of *Trent*, and twenty-nine north of *Verona*, the most remarkable thing, and what they call the great wonder at *Roveredo*, is its spinning-house for the manufacture of silk, in which they have a great trade here; a fabrick being erected to carry it on upon the banks of a little brook, which turns a large wheel that communicates motion to a machine within the house, that spins raw silk without any body's touching it, farther than to set it a going; and it is remarkable, that it throws or winds off at least six hundred pounds weight of silk at once, so that it makes a prodigious quantity in a day. When this silk is died, it is manufactured into satins, damasks, velvets, and other stuffs, which are sold at the fairs of *Bolzano*, and from thence transported to Germany.

At *Trieste*, on the *Adriatic-Sea*, a sea-port belonging to the imperial hereditary dominions, are made great quantities of salt, and exported; and the neighbouring country produces good wine, called by the Germans *reinfaul*, which the Venetians buy cheap, and sell for exportation. Here is a large harbour, but it is only frequented by small vessels, just to cross over to *Venice*; though the emperor *Charles VI.* who had no other sea-port in all his hereditary dominions before the treaty of peace at *Rastadt*, which threw Italy, Sicily, and the Spanish Netherlands into his hands, made this a free port, and gave great encouragement to the ships and merchants of all nations to come to it, designing to make it the center of the Austrian commerce in these parts of the world. But the merchants of *Trieste* not having a stock, the Venetians themselves came among them, and carried on that very trade for them, by which they were so sanguine at one time, as to think of supplanting even *Venice* itself: for from this port the Venetian merchants struck into a new commerce, by the river *Savo* to *Belgrade*, and thence to *Sinope* in the *Black-Sea*, and likewise to *Constantinople*; and the most that it appears the Germans have yet done here is, to

send some ships among the *Archipelago Islands*, from whence they bring back wines, cotton-yarn, fruits, and some silk, program-yarn, camels hair, and such goods. But the great misfortune which the Austrians laboured under for carrying on the great trade proposed from this port was, that they had no fund of goods for exportation, either of their produce or manufacture; the chief they could export of any value, being the wrought-iron made in *Carinthia*, *Styria*, and the adjacent countries, which is indeed of great service to the Venetians, because they have no iron works near them. Upon the whole, therefore, the trade of this new free port is not likely to answer the end proposed; yet the merchants here keep up their expectations of trade, and not long since talked of erecting some manufactures of wool and silk, that they might have something more to export besides iron.

The house of Austria have a noble revenue from the rich wine made and sold at *Proseg*, which is about seven miles north-west of *Trieste*.

The AUSTRIAN NETHERLANDS, consisting of the duchies of *Luxemburg*, *Limburg*, and *Brabant*, the earldoms of *Namur*, *Hainault*, and *Flanders*; the marquise of the holy empire, and the lordship of *Mechlin*, are bounded by the United Provinces on the north, by Germany on the east, by French *Flanders*, and by *Lorraine*, *Champaign*, and *Picardy*, on the south, and by another part of *Picardy* and the English sea on the west. The soil is generally fruitful, but differs in the several parts. The climate also differs in the several provinces, but not much from that of England, though the seasons are more regular. The face of the country is low and flat, and no hill is to be seen in all the Netherlands in general, which is the reason that they have been called the *Low Countries*.

The Spaniards continued possessed of almost eight of the provinces of the Netherlands, until the duke of *Marlborough*, general of the allies, gained the memorable victory of *Ramillies*. After which *Brussels*, the capital, and great part of these provinces, acknowledged *Charles VI.* (afterwards emperor) their sovereign; and his daughter, the present empress queen, remained possessed of them till the war that preceded the last, when the French made an entire conquest of them, except part of the province of *Luxemburg*; but they were restored by the peace of *Aix-la-Chapelle*, in the year 1748, and the French retain only *Artois*, the *Cambresis*, part of *Flanders*, part of *Hainault*, and part of *Luxemburg*, of which they have had the dominion now upwards of eighty years.

The Austrian Netherlands were once the center of the woollen manufactures, which we have now the satisfaction to call the English manufactures, but originally derived from the Flemings, whose country was thereby immensely populous and enriched. The materials for these manufactures, particularly the wool and the fuller's-earth, they had from England. The English did not see their error till about the year 1450, when they began to think, that these manufactures might as well be carried on in England as in Flanders, and their own people employed in this prodigious scene of traffic, to the enriching of themselves rather than their neighbours. On these motives they wisely put a stop to the exportation of wool, and the cloathing was gradually encouraged in England, by the means of manufacturers obtained from the Netherlands, to instruct our people. The Flemings, being thus deprived of their fund of wool, were obliged to turn their hands to other things; which brought them to the making of lace and linen, to silk-weaving, and to other business of various kinds; so that the manufactures carried on in these provinces at present, are, 1. Lace, known by the name of bone-lace, of which the finest and best of the kind in Europe, is said to be made at *Brussels*. 2. Fine thread. 3. Linen, consisting chiefly of cambricks and lawns. 4. Woollen, which includes the tapestry made at *Arras* and the adjacent country. 5. Silk, of which at present they make not only sufficient for their own use, but for exportation. This domestic trade necessarily creates a great foreign one, where the situation will admit of it; and so considerable are the exports of these manufactures, that very good judges have estimated them at no less, in fine thread, bone-lace, and linen, including their lawns and cambricks, than to the value of two millions sterling a year.

In regard to industry, the Netherlanders are an example to the whole world. Nothing can live where they starve, and nothing is idle among them that can sustain any degree of labour. The universal navigation of the rivers and canals passing through innumerable cities and populous towns, implies, that there must be a great inland traffic; and this, indeed, in proportion to the extent of territory, is a prodigious business.

AUTHORITY. That power of acting which one man has, being transferred to another, is called an *authority*, and this the law allows of; for as a contract is no more than the consent of a man's mind to a thing, if such consent or concurrence appears, it would be very unreasonable to oblige him to be present at the execution of every contract, since it may be as well performed by any other person delegated for that purpose. But such delegation or *authority* must be by deed, that it may appear, that the attorney or substitute had a commission or power to represent the party; also that it may appear, that the *authority* was well pursued.

One who has an *authority* to do an act for another, must execute it himself, and cannot transfer it to another; for this being a trust and confidence reposed in the party, cannot be assigned to a stranger whose ability and integrity were not so well thought of by him for whom the act was to be done; therefore an executor having *authority* to sell, cannot sell by attorney. 9 Co. 77. b. 1 Rol. Abr. 330.

AUTOMATON, a self-moving machine; or whose principle of motion is within itself, as a clock, watch, &c.

AUVERGNE, a province in France, is bounded on the north by Bourbonnois; on the east by Forez; on the south by Rouergne and the Cevennes; and on the west by Upper Limosin, Quercy, and la Marche.

This province is commonly divided into High and Low, and the products of each are as different as their situation: the first is mountainous, as the distinction seems to speak it, and productive of nothing but food for cattle, of which here are bred surprizing numbers; and the low lands abound in corn, wine, hemp, and walnuts; their meadows are delightful, and so fertile, that those in the neighbourhood of Riom and Clermont, are mowed three times a year, and the lands in general never lie idle, or at most are not fallowed above one year in twenty.

There are several sorts of manufactures in the Avergnais, and almost all the different species fabricated are of a very good quality, but more especially the paper, which is excellent, made chiefly at Ambret, and about Thiers and Clermont. The manufactures of estaminas, woollen camlets, and other stuffs, are at Ambret, Culnhac, Oliergue, Sanxillanges, and St. Flour, making in all about 10,000 pieces. Laces are made at Aurillac, to the annual value of 200,000 livres (though formerly they produced near 800,000) and there are some made at Muret, la Chaîsse-Dieu, Alarche, and Vineroles. The hardware of Thiers and its neighbourhood, affords subsistence to above 5000 families; and cards for play are made here and at Ambret. The tanneries of Clermont, Riom, St. Flour, Manisgues, Anjou, Chaudes-Aigues, &c. are very considerable; as the dairies near Aurillac, Moriac, Volers, Beze, la Tour, and Ardes, are in cheese. Many fine mules and good horses are bred in the studs of the province, which, besides the foregoing particulars, produces masts for ships, and wood for carpentry, coals, fruit, wax, glue, tallow, butter, linen, hemp, and nut-oil.

AWARD, is the judgment and arbitration of one or more persons, at the request of two parties who are at variance, for ending the matter in dispute, without public authority; and may be called an *award*, because it is imposed on both parties to be observed by them, *Dictum, quod ad custodiendum, seu observandum, partibus imponitur.* Spelm.

An *award* may be by word or in writing, but is usually given in the latter, and must be exactly according to the submission. If an *award* be according to the submission by bond, though it is void in law, if it be not observed, the obligation will be forfeited. 1 Danv. Abr. 515.

Where arbitrators *award* a thing against law, it is void;

if more is *awarded* than submitted, the *award* will be void; but when an *award* seems to extend to more than in the submission, the words *de et super præmissis*, restrain it to the thing submitted. Cro. Eliz. 861.

An *award* may be void in some part, and good in another part, if it makes an end of all the differences submitted; and if an *award* be good in part, and void in part, the good shall be performed. 10 Rep. 13. 2 Saund. 293.

An *award* without a deed of submission will be good, bar of a trespass. Danv. 548.

But the delivery of the *award* in writing, under hand and seal, &c. must be pleaded, and be exactly replied to by the plaintiff, in action of debt on an *award*, or it will be ill on demurrer. Dyer 243. 2 Mod. 77, 78, 269.

The submission to an *award* may be by bond, covenant, or by an *assumpsit* or promise, or without all this, by a bare agreement, to refer the matter to such a person or persons. 10 Rep. 131. Dyer 270.

A husband may submit to an *award*, for himself and his wife, for her goods and chattels, to bind her; but an infant may not make any submission to an *award*, or any other for him, for it will be void. Plowd. 189.

If several persons do a wrong to a man, and one of these, and he to whom the wrong is done, submit to an *award*; the other persons who were no parties to the submission, may take advantage of it, to extinguish the wrong. 7 Hen. IV. 31.

And where the *award* of recompence for a wrong done, is performed, that wrong is altogether determined; also the *award* of a personal chattel, doth alter the property of it, and give it to the party to whom *awarded*, that he may have *detinue* for it. Dyer 183.

A submission is of all actions and demands, &c. though there be but one cause or matter between them; an *award* may be made for this: and where two things are submitted, and the *award* but one, it is good, if the arbitrators have no farther notice of the other; though if it be of three things, or some particulars with a general clause of all other matters, in that case they must make the *award* for the things particularly named, without any other notice given. Dyer 216. 2 Cro. 130. Godb. 146.

If the submission be by diverse persons, and the arbitrators *award* between some of them only, this is good; but if a submission is of certain things in special, with a *proviso* in the condition, that the *award* be made of the premises, &c. by such a day, there the *award* must be made of all, or it will be void. 8 Rep. 79. Hob. 49.

An *award* of all actions *real*, when the submission is of actions personal, is not good. Plowd. 306. 10 Rep. 132.

Yet if the submission be of things *personal*, and the *award* is, that one of the parties shall do an act *real*, in satisfaction of a personal injury, &c. or a submission be of one thing, and the *award* made of something incident to, or necessarily depending upon it; or if the submission is of all actions *real* and *personal*, and the *award* only of matters *personal*, &c. it will be good in these cases, if nothing else is notified to the arbitrators. Dyer 216.

An *award* made only on one side, without any thing on the other, is void in law; as that one shall pay or give bond for money to the other party, and he do nothing for it; but if it be to give bond to pay, or to pay a debt, and that the other shall be discharged of the debt, &c. this is good; so where it is that one party shall pay money to the other, and then the other shall release all actions to him. 8 Rep. 72, 98.

If diverse trespasses be referred to arbitrament, and the *award* is, that one of the parties shall make the other parties amend, or give a release, and say not what amend or what release, &c. it is void for uncertainty. 5 Rep. March 18.

Award was, that each party should give to the other a general release of all demands, provided, that if either of them dislike the *award*, within twenty days after made, and within that time pay ten shillings, the arbitrament to be void; it was held, that the first part of the *award* was good, and the *proviso* repugnant and void. 1 Cro. 688.

Arbitrators are to make their *award*, *secundum allegata & probata* (according to what is alledged and proved) but they may not enjoin any oath to the witnesses; the *award* ought to be published; and no one is bound to perform, till he can know what the *award* is. 4 Rep. 82. *Brownl.* 311.

A submission to *award* may be revoked, and countermanded before the *award* made, where there is no specialty to abide the *award* of J. S. &c. 8 Rep. 78. 81.

A submission was to an *award* by bond, and at the end of the condition of the bond, was this clause; "and if the obliger shall consent that this submission shall be made a rule of court, that then, &c." upon motion to make this submission a rule of court, it was opposed, because these words do not imply his consent; but if he would forfeit his bond, he need not let it be made a rule of court: yet because this clause could be inferred for no other purpose, the court took the conditional words to be a sufficient indication of consent, and made the *award* a rule of court. *Salk.* 72, pl. 8.

A matter was referred by consent at *nisi prius*, to three foremen of the jury; and before the *award* was made, one of the parties served the arbitrators with *subpœna* out of chancery, which hindered their proceeding to make the *award*. And the court held this a breach of the rule, and granted an attachment *nisi causa*. *Salk.* 73. pl. 10. *Farresley* 8.

Upon a submission to the *award* of the three foremen of the jury, who made their *award*, the defendant moved to set it aside; because they went on without giving him time to be heard, or to produce a witness; and *Holt*, chief justice, said, the arbitrators being judges of the party's own chusing, the party shall not come and say, they have not done him justice; and put the court to examine its *aliter*, where they exceed their authority; however, the *award* was examined and confirmed, and the plaintiff moved for an attachment for not performing it; and the court held, that the non-performance while the matter was *sub judice*, was no contempt; then the plaintiff moved for his costs, and that was denied; upon which *Powell*, justice, said, that seeing they could not give the party any costs, he should never be for examining into *awards* again. *Salk.* 73. pl. 11.

H bound himself in a bond to stand to the *award* of J. S. which submission was made a rule of court. The party, for whose benefit the *award* was made, moved the court for an attachment of non-performance, which was granted; pending that, he brought an action of debt upon the bond; upon this, serjeant *Darnell* moved, that he might not proceed both ways, and likened it to the cases, where the court stays actions on the attornies bills, while the matter is under reference before the master; *sed per curiam*, the motion was denied, and this difference taken; where the court relieves the party by way of amends in a summary way, as in the case cited, there it is reasonable; otherwise here, where the plaintiff has no satisfaction upon the attachment, and the defendant was put to answer interrogatories. *Salk.* 73. pl. 12.

Attachment lies not, for not performing an *award* made upon a rule of court, without a personal demand. *Holt*, chief justice, remembered the first attachment of this kind, was in Sir John Humble's case, in Keyling's time, in which, and ever since, a personal demand has been thought necessary. In such cases of *awards*, though they be not legally good, an attachment lies for non-performance; *aliter*, if impossible; but the party is excused as to that part which is impossible only. *Salk.* 87. pl. 1.

Debt, an obligation to perform an *award*, which was, that the defendant should enjoy a house, of which the plaintiff was lessee for years, during the term, paying to the plaintiff twenty shillings yearly: and for non-payment of this, the action was brought; and it was held to lie. 1 Cro. 211.

The form of an award made by two arbitrators on a submission.

TO ALL PEOPLE to whom this present writing indented of *award* shall come. We E. F. of &c. and G. H. of &c. send greeting. Whereas there are several accounts depending, and diverse controversies and dif-

putes have lately arisen, between A. B. of &c. of the one part, and C. D. of &c. of the other part, touching and concerning, &c. And whereas for putting an end to the said differences and disputes, they, the said A. B. and C. D. by their several bonds or obligations, bearing date, &c. are reciprocally bound each to the other, in the penal sum of &c. to stand to, abide, perform, and keep the *award*, order, and final determination of us, the said E. F. and G. H. arbitrators, indifferently chosen, between the said parties, to arbitrate, &c. (as in the bond) so as the said *award* be made in writing, under our hands and seals, and ready to be delivered to the parties in difference, on or before &c. next, as by the said in part recited bonds, or obligations, with the conditions thereunder written may appear. Now know ye, that We the said arbitrators, whose names are here unto subscribed, and seals affixed, taking upon us the burden of the said *award*, and having fully examined, and duly considered the proofs and allegations of both the said parties, do, for the settling amity and friendship between them, make and publish this our *award*, by and between the said parties, in manner following, that is to say, *first*, We do *award* and order, that all actions, suits, quarrels, and controversies whatsoever had, moved, arisen, or depending, between the said parties in law or equity, for any manner of cause whatsoever, touching the said premises, to the day of the date hereof, shall cease and be no farther prosecuted; and that each of the said parties shall bear and pay his own costs and charges, in any wise relating to, or concerning the same premises; and we do also *award* and order, that the said A. B. shall pay, or cause to be paid to the said C. D. the sum of &c. within the space of &c. And farther, we do hereby *award* and order, that the said C. D. shall, on or before &c. pay or cause to be paid to the said A. B. the sum of &c. or give sufficient security for the same to the said A. B. And *lastly*, we do *award* and order, that the said A. B. and C. D. on the receipt of the several sums of, &c. shall in due form of law, execute each to the other of them, or to the other's use, general releases, sufficient in the law, for the releasing, by each to the other of them, his heirs, executors, and administrators, of all actions, suits, arrests, quarrels, controversies, and demands whatsoever, touching or concerning the premises aforesaid, or any matter or thing thereunto relating, from the beginning of the world to the day of the date, &c. (here mention the date of the arbitration bonds) last past. In witness whereof we have hereunto set our hands and seals, the &c. in the year &c.

An umpirage, for want of a determination by arbitrators chosen.

TO ALL &c. I J. K. of &c. send greeting. Whereas there are several accounts depending, &c. (here go on as in the former *award*, until you come to) to stand to, &c. the *award*, order, and final determination, of E. F. of &c. and G. H. of &c. arbitrators, indifferently chosen, between the said parties, to arbitrate, &c. (as in the conditions of the bonds) so as the said *award* was made in writing, under the hands and seals of the said arbitrators, and ready to be delivered to the parties in difference, on or before &c. last past; and if the said arbitrators did not draw up the said *award* in writing, and deliver the same as aforesaid, on, or before the said &c. then the said parties were to stand to, abide, observe, perform, and keep the *award*, umpirage, final end and judgment of me, the said J. K. umpire indifferently chosen, between the said parties, for the composing and ending of the differences aforesaid; so as my said *award*, umpirage, and determination be made in writing, under my hand and seal, and ready to be delivered to the said parties, on or before &c. as by the said in part recited bonds or obligations, with the conditions thereunder written may appear. And whereas the said E. F. and G. H. did not make up their said *award* between the said parties, within the time limited by the said in part recited bonds or obligations, as aforesaid; whereby, and on which account, the compassing, ending, and determining, of the said differences and matters in dispute now depends wholly upon me. Now KNOW YE, that I, the said J. K. having taken upon me the business and charge of the said

award and umpirage, and being willing to set the said parties at peace and concord, by making a final end of the controversies between them; and having deliberately and at large heard, examined, and duly considered the grievances, allegations, titles, vouchers, and evidences of both the said parties, in relation to the said premises in dispute, do make, publish, declare, and deliver this my award, or umpirage, in the manner following; that is to say, *first*, I arbitrate, award, judge, order, and determine, that &c. (*here insert the several particulars of the award*) in witness, &c.

An award or umpirage by a single person elected to arbitrate.

To ALL &c. I, E. F. of &c. send greeting; *Whereas*, &c. (*Here go on as in the award made by two arbitrators, until you come to, stand to, &c.*) the award, order, and final determination of me the said E. F. indifferently elected and chosen between the said parties, to arbitrate, &c. (*as in the conditions of the bonds*) so as my said award or umpirage be made in writing, under my hand and seal, and ready to be delivered to the said parties, on or before, &c. as in and by the said in part recited bonds, or obligations, and the conditions thereof may appear. *Now know ye*, that I, the said E. F. (*here go on as in the last precedent*) in witness, &c.

The form of a submission to an arbitration, in order to make it a rule of court.

Be it remembered, that A. B. of &c. and C. D. of &c. being desirous finally to end and determine diverse controversies, suits, and quarrels, that have lately arisen between them, did on &c. agree to submit, and refer all the said controversies, suits, and quarrels to the award and determination of E. F. of &c. and G. H. of &c. arbitrators, for that end indifferently chosen, by the said parties; which said award is to be made in writing, under the hands and seals of the said arbitrators, and ready to be delivered to the said parties, on or before &c. And the said parties did mutually promise and oblige themselves, that they would obey, perform, and execute such award, as the said arbitrators should make in the premises. Now the said parties do farther agree, that the said submission shall be made a rule in his majesty's court of &c. at Westminster, and that they shall be finally concluded by the arbitration that shall be made in the premises by the said arbitrators, pursuant to such submission. *Witness*, &c.

Form of a general release, as part of an award.

Know all men by these presents, that I, A. B. have remised, released, and for ever quit-claimed, and by these presents, do, for me, my heirs, executors, and administrators, remise, release, and for ever quit-claim, unto C. D. his heirs, executors, and administrators, all, and all manner of actions, cause and causes of actions, suits, bills, bonds, writings, obligations, debts, dues, duties, accounts, sum and sums of money, judgments, executions, extents, quarrels, controversies, trespasses, damages, and demands whatsoever, both in law or equity, or otherwise howsoever, which against the said C. D. I ever had, now have, and which I, my heirs, executors, and administrators, shall, or may have, claim, challenge, or demand, for, or by reason, or means of any matter, cause, or thing from the beginning of the world, to the day of the date of these presents. *In witness whereof*, I have hereunto put my hand and seal, and the day of &c.

Sealed and delivered in

the presence of

R. M.

S. E.

A. B.

See ARBITRATION and ARBITRATOR.

AWM, or AUME, a measure of Rhenish wine, containing forty gallons, mentioned in the statute 1 Jac. I. cap. 33. and 12 Car. II. cap. 4. This word is otherwise called *awame*, as may be read in a very old book, viz. "the rood of Rhenish wine of Dordreyght is ten *awames*, and every *awame* is fifty gallons." *Item*, "the rood of Antwerp is fourteen *awames*, and every *awame* is thirty-five gallons." *Cowell, edit. 1727.*

Awm, at present, is considered as a Dutch measure, answering to what is called in England, a tierce, or one seventh of an English ton, and one sixth of a ton of France.

AWNING on board a ship, is when a sail, tarpaulin, &c. are hung over any part of the ship, to keep off the sun, rain, or wind.

AXUNGIA, properly old hogs-lard, but in general old lard, or suet of any other animal. *See FAT.*

AXUNGIA vitri, sandiver, or salt of glass, a kind of salt which separates from the glass, while it is in fusion. It is of an acrimonious and biting taste. The farriers use it for clearing the eyes of horses. It is also used for cleaning the teeth; and it is sometimes applied to running ulcers, a herpes, or the itch, by way of desiccative.

AZIMUTH Compass, an instrument made in a large box, with jambols, and a broad limb, having ninety degrees diagonally divided with an index and thread, to take the sun's amplitude or azimuth, in order to find the difference between the magnetical meridian, and the sun's meridian, which shews the variation of the compass.

Use of the azimuth compass.

1. To find the sun or star's magnetic amplitude.

Turn the whole compass-box to and fro, till each point of the brass compass lies directly above its corresponding point of the compass chard, and let the ship be kept stemming the same point; turn the index towards the sun or star at its rising or setting, till the two threads of the index be in a right line with the object, and that side of the index, corresponding with the center of the instrument, will cut on the brass circle, the degrees, &c. of the object's magnetic amplitude in quantity and quality, which is best counted from the nearest meridian point easterly or westerly.

2. To find the sun or star's magnetic azimuth, or what point of the compass the object is upon, after it is above the horizon.

Turn the whole compass-box to and fro, till the points of the brass compass coincide with those on the compass chard, and let the ship be stemming that point; turn the index towards the objects, till the shadow of the thread fall on the black line of the index, or you see the two threads in a right line with the object; then will that side of the index respecting the center cut on the brass circle, the object's magnetic azimuth. The magnetic azimuth, together with the sun's true azimuth, being found, the variation of the needle may be easily discovered. *See VARIATION.*

AZOGA Ships, are those Spanish ships, commonly called the quicksilver ships, from their carrying quicksilver or mercury to the Spanish West-Indies, in order to facilitate the extracting of the silver out of the mines in Peru and Mexico. But it is a great mistake to imagine, that these ships are absolutely laden with quicksilver only, that being too ponderous a body.

They are not, strictly speaking, to carry any goods, unless for the king of Spain's account; but they are generally full laden, notwithstanding this regulation; by reason that the merchants procure special licences of the king to load, upon paying a consideration for such licences.

Besides quicksilver, these ships carry also fruit and spice for the king's account, and sometimes military stores for the forces in New Spain; as also iron, which is called the king's merchandise.

AZORES Islands, lie in a kind of cluster on the Western or Atlantic Ocean, between thirty-seven and forty degrees of latitude, and twenty-one and twenty-six of longitude, west from London. They are seven in number, besides the two small ones of Flores and Corvo, viz. *St. Michael's Island*, *St. Mary's*, *Tercera*, *Graciosa*, *St. George's*, *Pico*, and *Fayal*. These islands are all allowed to be very fertile in corn, wine, variety of fruits, and to breed great quantities of cattle.

Angra, a city in *Tercera Island*, and the metropolis of the *Azores*, is well built and peopled. It is the only station for ships in all the seven islands; so that it is chiefly for the sake of this port that the Portuguese have been so careful

careful of these islands, and are so shy of letting strangers approach it; its situation being so exceedingly convenient to refresh the ships that sail to, and from Brazil, and other long voyages. In this city are kept the royal magazines for anchors, sails, cables, and other naval stores in general, for the men of war. The maritime affairs are under the inspection of a proper judge, called *desembargador*, who hath other officers under him, and entertains a number of pilots, some to conduct the ships into the harbour, and others to direct them to springs of fresh water, &c. The English, Dutch, and French nations have likewise a consul residing in this city, though their commerce with this, or any other of these islands, is but inconsiderable. The chief commerce of the inhabitants is that of wood, which grows in great plenty in most of these islands, and corn, with other refreshments, which merchant-ships come to take in at this port.

AZOTH, a barbarous name given by Paracelsus to

the *mercurius philosophorum*, that is, quicksilver extracted from any metalline body, which is the proper corporeal mercury. In another sense, *azoth* in Paracelsus, signifies the universal remedy prepared of mercury, the sun, and moon, void of all specific differences, and endowed with a most intense efficacy, and a most general kind of central virtue, including all other remedies in itself; in the same manner as the *substantia prima*, or first substance, includes all the rest, excluding accidents. This Paracelsus was reported to have carried about with him in the pommel of his sword. *Rulandus*.

Azoth is also taken from the liquor of sublimed mercury, (or quicksilver mixed with vitriol and salt, and so sublimed) which is also called *aqua permanens*, *crystallus philosophorum*, *luna physica*, or by whatever other mystical name they please to give it. *Libavius*.

AZURE, a name for a celebrated blue colour, prepared from the *lapis lazuli*, and generally called *ultramarine*. See *ULTRAMARINE*.

B.

B A C

B, the first consonant, and second letter of our and most other alphabets, among the ancients, stood for 300, according to this verse :

Et B trecentum per se retinere videtur.

When it had a small line drawn over it, thus $\overline{B}$, it stood for 3000, and when it had an accent below it, for only 200. Among the Greeks and Hebrews it only signified 2. It is now often used, contracted, for words, as B. A. for bachelor of arts. B. L. for bachelor of laws, &c.

BAAT, in *Siamefe*, and *Tical* in *Chinefe*, is both a weight and coin current in the two empires; the *baat* is of silver, and, as a weight, answers the English half-ounce: it is there four mayons (in *Siamefe* seling) the mayon two fouangs, the fouang four payes, and the paye two clams; here are also sompayes, in value half a fouang. All these weights are also coins, or at least bits of silver that pass in lieu of them, as well in China as in Siam. The *tical* weighs three gros and twenty-three grains, which (reckoning the ounce of silver at three livres and a half *Tournois*) is thirty-two sols and four deniers that money, as it weighs near half an ounce.

The form of the *baat* is square, and as it is subject to great alterations from the wearing down of the angles, strangers should not accept it as a weight or coin, till its value is known.

BACCALAO. See *BARCALAO*.

BACHELOR, those that are called bachelors of the companies of London, are such of each company as are springing towards the estate of those that are employed in council, but as yet are inferiors; for every of the twelve companies consists of a *master*, two *wardens*, the *livery*, (which are assistants in matters of council, or such as the assistants are chosen out of) and the *bachelors*. *Bachelor* was anciently attributed to the admiral of England, if he were under a baron.

BACHIAN. See *Little MOLUCCA Isles*.

BACK-MAKER. This trade, of which there are but few masters, requires chiefly strength, with a little ingenuity. It consists in making liquor-backs, under-backs, coolers, mash-tuns, working-tuns, &c. for the use of the brewers. The workmanship requires some knowledge both in the carpenter's, and the cooper's business. The journeyman work from fix to fix, and have

B A D

about fifteen shillings a week; and the masters require two or three hundred pounds to enable them to make any figure in business.

BACK-STAFF, an instrument in use before Hadley's quadrant, for taking the sun's altitude, and since, when that cannot be afforded. It is generally called *Davis's quadrant*, because it was invented by capt. Davis, and is no other than a common quadrant, lessened in one part of the arch, by supposing it to be divided into two different arches by a concentric circle, whereby the instrument becomes more portable.

BACK-STAYS of a ship. See *STAYS*.

BACON may be imported during the continuance of the act 4 and 5 *Will. and Mar. cap. 5.* 5 and 6 *Will. and Mar. cap. 2. sect. 4.*

BADAGSCHAN, in *Great Tartary*, is a very ancient and extremely strong city; it is not large, but well enough built, and populous; its inhabitants are rich by the gold, silver, and ruby mines in its neighbouring mountains, though none regularly work the mines. Those who live at the foot of the mountains benefit themselves not a little by the grains of gold and silver which they collect in the spring, after the melting snows have washed them from their beds, by their torrents.

BADEN, a county in *Switzerland*, situate between the northern extremities of the cantons of Bern and Zurich, extends on one side where the Aar falls into the Rhine, and on the other side to some villages beyond the Rhine. It is as large as some of the small cantons, has a more fruitful soil, and is watered with three navigable rivers, the Limmat, Rufs, and Aar; bears corn and other fruits, and produces wine in many places along the Limmat. In the mountains from Cappelethof to Endengen are mines of iron.

Baden, its chief town, called *Upper Baden*, is famous for its baths, for which it was celebrated so long since as our Saviour's time, according to Tacitus. The waters are hot in a third degree, being impregnated with much sulphur, with a mixture of allum and nitre. They are good for drinking, as well as bathing, in fevers, phthisics, vertiges, and particularly for disorders incident to the fair sex, and even sterility. Their baths bring a course of people, which is the chief livelihood and business of the town.

Zurzach, about nine miles north of *Baden*, is a fine, ancient, spacious burrough, on the banks of the Rhine, which is remarkable principally for its fairs, on the Monday after Trinity-Sunday, and on the first of September, where very considerable quantities of goods are sold by the merchants of Germany, France, and Italy, in a very short time.

BADGER, (from the French *bagage*, a bundle, and thence is derived *bagagier*, a carrier of goods) signifies with us one that buys corn or victuals in one place, and carries them to another to sell and make profit by them: and such a one is exempted in the *stat. 5* and *6 Edw. VI. cap. 14.* from the punishment of an ingrosser within that statute. But by *5 Eliz. cap. 12.* *badgers* are to be licenced by the justices of peace in the sessions; whose licenses will be in force for one year, and no longer; and the persons to whom granted must enter into recognizance, that they will not by colour of their licences forestall, or do any thing contrary to the statutes made against forestallers, ingrossers, and regrators. If any person shall act as a *badger* without licence, he is to forfeit five pounds, one moiety to the king, and the other to the prosecutor, leviable by warrant from justices of peace, &c.

BADGER, a wild four-footed beast, a little bigger than a fox, to which it bears some resemblance; it has also something of the hog and the dog.

The *badger* dwells in burrows, and lives upon insects, carrion, and fruit. It stinks very much, and grows fat by sleeping, like the dormouse. Its age is known, by the number of holes it has under its tale, a new hole appearing every year.

Though this animal seems not to be of much use in trade, yet it affords three sorts of merchandize. Its skin is of the common peltry, called wild. Its fat is sold by the druggists, and is reckoned good for pains in the loins, and for the sciatica, or hip-gout; and its hair serves to make pencils or brushes for limners and gilders.

BADIAN, or **BADIANE**, is the feed which the anise-tree bears, that grows in China. The tree is thus called, because its wood smells like anise-feed. The Chinese sometimes give their tea an aromatic taste with that feed. Some of the Dutch do the same in the Indies, in imitation of them. In the year 1722, it was sold at Pekin from twelve to fifteen fun per gin, which was reckoned extremely dear, according to the journal of M. Lange, who resided at the court of China.

BAETAS; thus the Spaniards and Portuguese call that sort of woollen stuff, which is not crossed, and which in France is called *baguette*, or *bagette*.

BAFFETAS, a kind of callicoe, fabricated in several parts of the East-Indies; those of Surat have the preference, and are twelve yards in length and one in breadth, but those from the other parts of India differ as much in length and breadth as in quality.

BAG. A great variety of articles in commerce are sold by the *bag*, which means no more than that the *bag* being made of a determinate size, is supposed to contain a certain weight, which is taken in the gross, without weighing for the sake of expedition; but in this case *bags* or *jacks* are generally proved and sealed, or marked under the inspection of the magistracy of the places where they are in use; otherwise they are not to be relied on.

A *bag* of almonds is about three hundred weight, of aniseed from three to four hundred, of pepper from one and a quarter to three hundred, of goats-hair from two to four hundred, of cotton-yarn, from two and a quarter to four and a quarter, &c.

In France, they make *bags* of pistoles, of louis-d'ors, *bags* of a thousand livres, or crowns, *bags* of small pieces of silver coin, &c. Tare is allowed for the *bag*, as five sols per *bag* of 1000 livres.

BAGAVEL. The citizens of Exeter had granted to them by charter of king *Edw. I.* a collection of a certain tribute or toll upon all manner of wares brought to that city to be sold, towards the paving of the streets, repairing of the walls, and maintenance of the city, which was commonly called in old English *bagavel*, *be-~~th~~ugavel*, and *chippinggavel*. *Antiq. of Exeter.*

BAGAUZ. Thus they call in the Antilles Islands the sugar-canes, after they have passed through the mill;

they keep them under cover in small huts, in order to use them, when dry, for boiling the sugar. These huts are called the *bagaux* huts.

BAHAMA, or **LUCAYOS** *Islands*, lie in the Atlantic Ocean, between 21° and 27° of northern latitude, and from 73° to 81° of western longitude, taking their name from one of them called *Babama*, which is situate in the latitude of $26^{\circ} 30'$, at the distance of between twenty and thirty leagues (say some, and fifty leagues, as others assert) from the continent of Florida; but Providence, lying in the midst of them, has been pitched on as the seat of government, when any has been settled here.

These islands were granted by king Charles II. to George, duke of Albemarle, and several other noblemen, who ineffectually endeavoured to people them; for as soon as some adventurers were got there, they were drove off by the French or Spaniards; and when this was not the case, they contumaciously rose against their governors, whom they either destroyed, or sent away prisoners, to the dissolution of all polity, and their own destruction; so that after several settlements made, and successively destroyed, either by the enemy or themselves, these islands became a refuge for pyrates, till 1718, when king George I. appointed a governor, who once more established a colony here, where there may be now upwards of two thousand people; though having a force in these parts, seems more the motive to their settling, than what is expected from their products, for as yet these have been but trifling, consisting in a little tobacco, sugar, &c.

In time of war with any power in these parts, especially with Spain, the *Babama Islands* are of the highest concernment to this kingdom, cruisers and privateers from thence being more capable to obstruct and annoy the Spanish trade homeward-bound, than all that are stationed at the rest of the British colonies in America; and indeed, since the late definitive treaty has annexed Florida to the crown of Great-Britain, and this nation is become mistress of the port of St. Augustine, in the gulph of Florida, these islands will prove of more utility to us than before; for these, together with our new acquisitions of Pensacola, Mobile, and our right of navigation in the Mississippi, will most certainly, in case of any future rupture with Spain, render the whole trade and navigation of the Spaniards far more precarious than ever the same was before in the great gulphs of Mexico as well as Florida, and thereby proportionably diminish the importance of the Havanna itself to Spain; and the Spanish navigation in this part of the world seems now surrounded in such a manner, as to render all our British possessions that are any way contiguous to each other near these gulphs mutually aiding and assisting to each other in case of need.

As the *Babama Islands* are very proper for the reception of small cruisers, not exceeding forty guns; so, if the public service should require larger vessels to be employed in those parts, the harbour of Port-Royal in South-Carolina, on the other side of the gulph of Florida, would be capable of receiving ships of any size or number; and, in concert with those cruisers from the *Babama's*, would prove of greater advantage to this nation than has ever yet been experienced.

Port-Royal, being the southernmost frontier of our possessions on the continent, is likewise so advantageously situated, that ships stationed there, at St. Augustine, and at the *Babama's*, would lie very conveniently, not only to guard our northern colonies, but to assemble a force, if occasion should be, to attack any power in those parts. From hence also, our sugar islands may be more conveniently relieved, and in a much shorter time, than they could by any naval force stationed at Jamaica. And, if the American colonies were put on a proper footing to assist and support each other, a squadron, at this South-Carolina Port-Royal, will always be a check to our neighbouring rivals, and give us a superiority in this part of the world.

The galleons for the Havannah, in their passage through the gulph of Florida, may very easily be intercepted by a squadron stationed at the said port and St. Augustine, assisted by such private advices as the same vessels belonging to Providence may constantly be able to furnish

furnish them with; but there is no instance that the king's ships, stationed at Jamaica, have ever intercepted the galleons or flota in their return home; for they have either had notice from Jamaica before our squadron appeared, or, when they have seen our ships cruising for them, they have lain safe and quiet at the Havannah till the English have been tired out, and retreated through sickness, or for want of provisions, or else have been carried with the stream through the gulph, and then the Spanish fleets have soon followed, and escaped us.

From what has been said, it appears, that the *Bahama Islands* are of far greater consequence to this nation than ever they were before the definitive treaty; and, should they ever become a prey to any other power, they would prove a dangerous annoyance to our trade, and an irreparable loss to the British plantations, as our affairs are at present circumstanced in America.

BAHAR, BAHARE, or BARRE, is a weight used at Ternate, Malacca, Achem, and several other places in the East-Indies. There are two sorts of this weight, the one called the great *bahar*, and the other the small one. By the first, pepper and all other spice is weighed: it is composed of 200 catis; the catis of 26 taels, or $38\frac{1}{2}$ ounces Portuguese, each tael being reckoned $1\frac{1}{2}$ ounce of that weight; so that the *bahar* is 550 lb. of Portugal, or 481 lb. 4 ounces of Paris, Straßburg, Amsterdam, &c. The small *bahar*, by which is weighed quicksilver, vermillion, silk, &c. also consists of 200 catis, but each catis is only 22 taels, or $32\frac{1}{2}$ ounces Portuguese; so that this *bahar* only makes 458 lb. 13 ounces of Portugal, and these near 401 lb. 7 ounces of Paris. With regard to England, the medium weight of the great *bahar* may be said to be 570 lb. and of the small 450.

The *bahar* of China is 300 catis, but these only make 200 of Malacca, each Chinese catis containing no more than 16 taels, one of which weighs $1\frac{1}{2}$ pieces $\frac{5}{8}$ and consists of 10 mafface or mases, and each mas 10 condorins. The *bahar* of Mocha in Arabia weighs 420 lb. containing 15 traffels, the traffel 10 mauns, the maun 40 tuckea, and the tuckea 10 coffila.

BAHAREM, an island in the Persian gulph, seated over-against the coast of Arabia, (from which it is but a little distant) belonging to the king of Persia. The soil is fertile, and produces plenty of fruit, particularly dates, though the water has so bad a taste, that strangers cannot use it, and the divers who frequent this place are obliged to seek it elsewhere. It is not the fertility of the soil, nor the trade carried on here, that renders it so famous in all the East, and obliges the Persians to have a citadel, and to keep a garrison of 300 men here; but the pearl fishery, which is near it, produces at least a million yearly. This fishery begins with June, and ends with September, in which pearls of a large size are sometimes taken, even to the weight of fifty grains, though in common from ten to twelve; and those that exceed this ought to be separated for the king, though herein he has not always justice done him.

BAIL in law, is the setting at liberty one arrested or imprisoned upon an action either civil or criminal, under sureties taken at a day and place assigned; and is either common or special. Common *bail* is in actions of small prejudice, or slight proof, in which case any sureties are taken. Special *bail*, is that given in affairs of consequence, where it is required that the sureties be subsidy men at the least, and according to the matter in question.

BAILE. Thus they stile at Constantinople the ambassador of the republic of Venice, who resides at the Porte.

Besides the political state of affairs with which the Venetian minister is charged, he acts the part of a consul for that republic at Constantinople, and they who are denominated consuls, established in the ports of the Levant, are properly speaking under him, and act as vice-consuls.

BAILEMENT in law, signifies the delivery of things, whether writings or goods, to another; sometimes to the use of him to whom they are delivered; and sometimes to a third person.

BAILIFF, an officer appointed for the administration of justice within a certain district, called a *bailiwick*.

BAILIFF errant, is a person employed by the sheriff to go about the country to execute writs, summon the county sessions, affizes, &c.

BAILIFFS of franchise, are those appointed by every lord to do the same offices within his liberty, as the *bailiffs errant* perform in the county.

BAILIFF is also used to signify a person who takes care of an estate, and directs the husbandmen, gathers rents, appoints the timber to be felled, &c.

Water-BAILIFF, an officer appointed in all port-towns, for the searching of ships, gathering the toll for anchorage, &c. and arresting persons for debt, &c. on the water.

BAILLOQUE, or BAYOQUE. Thus the French call those ostrich-feathers, which are naturally of a dark brown colour, mixed with white. These kind of feathers are seldom dyed, but are generally used by the feather-dealers just as they are plucked from the bird; they only wash them with soap, to give them some gloss, and make them brighter. These *baillouque* feathers are the least valued.

BAIOCO, a copper coin current at Rome, and throughout the whole state of the church. Ten *baicos* make a julio, and a hundred a Roman crown. See COIN.

BAIZE, or BAYS, a sort of coarse open woollen stuff, having a long nap, sometimes frized, and sometimes not. This stuff is without wale, and is wrought on a loom, with two treddles, like flannel. It is chiefly manufactured at Colchester and Bocking in Essex, in the former of which there is a hall, called the Dutch *Bay-hall*, or *Raw-hall*. By the statute 12 Car. II. c. 22. no person shall weave at Colchester any *bay*, known by the names of four-and-fifties, sixty-eighths, eighties, or hundred bays, but, within two days after weaving any such, shall carry it to the Dutch Bay-hall, to be viewed and examined, that it may appear whether it be well and substantially wrought, before it be carried to be scoured and thickened. No scourer or thickener shall receive any such *bay*, before it has been marked or stamped at the said hall. This manufacture, which is very considerable, was first introduced into England with that of *says*, *serges*, &c. by the Flemings; who, being persecuted by the duke of Alva for the sake of religion, fled hither, about the fifth year of queen Elizabeth's reign.

The exportation of *baize* was formerly much more considerable than it is at present, the English then furnishing the French and Italians with those stuffs; but, of late years, the French have attempted to imitate them, and have admirably well succeeded, particularly at Beauvais, Cañres, Montpellier, and Nîmes. They also manufacture vast quantities of *baize* in Flanders, especially at Tournay, Lille, and Neuve Eglises. The export, however, of English *baize* is still very considerable to Spain and Portugal, where they are called *baetas*, and even to Italy. Their chief use is for dressing monks and nuns, and for linings, especially in the army. The looking-glass-makers also use them behind their glasses, to preserve the tin, or quicksilver, and the case-makers to line their cases.

The breadth of *baize* is commonly a yard and a half, a yard and three quarters, or two yards, by forty-two to forty-eight in length. Those of a yard and three quarters are most proper for the Spanish trade.

BAKER. This is a very ancient as well as useful trade; and the most general and extensive branch of it is that of making, as well as baking, household or family bread; though there are several others, as, *biscuit-baking*, which is chiefly to prepare in a particular manner for long keeping what is commonly called sea-biscuit, or bread. *French-bread*, so called for its peculiar delicacy; there are also made various sorts of the nicer sweet, as well as insipid, biscuits, &c. *Ginger-bread*, or sweet-spiced bread, and cakes of several kinds.

Of three these last there but few of each, there not being such a general call for their produce, as for the common bread; the *bakers* of which, indeed, are many in number, yet not so numerous, but that most of them get a decent maintenance, if careful, and some acquire handsome estates. The principal expence they are at, when they set up, is that of building their ovens, one of which will cost twenty pounds and upwards, according to the size; next to this, is their stock of flour and

faggots: so that two or three hundred pounds will serve very well to begin with.

Their employment is even mentioned by Moses (*Gen. xi. 2.*) therefore, in all probability, had its first rise in the East; and they were a brotherhood in England before the year 1155, in the reign of king Henry II. though the *white-bakers* were not incorporated till 1307, by king Edward II. and the *brown-bakers* not till 1621, in king James I's time. Their hall is in Harp-lane, Thames-street; and their court-day on the first Monday of the month.

ARMS. Gules, a balance between three garbs, or; on a chief Barry wavy of six, argent and azure, the hand of justice glorified, and issuing out of clouds proper (holding the said balance) between two anchors of the second.

MOTTO. Praise God for all.

King Henry IV. granted, by charter to the mayor and commonalty of London, the assize of bread, beer, ale, &c. victuals, and things saleable in the said city; which was likewise granted by several other charters of our kings.

The *stat. 51 Hen. III.* was made for regulating the assize of bread, and bakers, not observing the assize, were to be set in the pillory.

By *stat. 8 Ann. c. 18.* The assize of bread is limited, in proportion to the price of wheat, and mayors, &c. may, in the day-time, enter any house, shop, or bake-house, of any baker, or seller of bread, to search for, view, weigh, and try, all or any of the bread, there found; and, if the bread be wanting in the goodness, deficient in baking, under-weight, or shall consist of any sort than what is allowed, the same bread shall be seized and given to the poor: also a penalty of forty shillings is inflicted for want of weight, &c.

By *1 Geo. I. c. 25.* bakers are to pay five shillings for every ounce deficient in weight, and two shillings and sixpence if under an ounce. Bakers selling bread in peck, half-peck, or quartern loaves, at a higher price than set by the lord mayor of London, &c. shall forfeit ten shillings. *Stat. 3 Geo. II. cap. 29.* See BREAD for other penalties concerning the making of it under-weight, deficient in goodness, &c.

The boy, designed for this useful trade, ought to be of an honest disposition, and both strong and industrious; since the apprentices in London are obliged to carry out great loads of bread by day, and to work hard most of the night. The money given with an apprentice is from five to twenty pounds. The journeymen have six or seven shillings a week and their board.

The trade of the *biscuit-baker*, like that of the common *baker*, requires more strength and industry than either learning or ingenuity. The money given with an apprentice is the same as with a common *baker*. The wages given to the journeymen are nearly the same; but the business is more advantageous to a master who has an extensive acquaintance among the masters of ships.

BALAGATE, a kingdom of Asia, in the Indian peninsula on this side the Ganges, makes a part of that of Decan, and produces a quantity of silk and cotton; here also is found excellent lack, as good as that of Pegu, areca, betel, in which the Europeans drive a considerable trade. The diamonds extracted from that which the Portuguese call the old mine, are very much esteemed, especially those to which they have given the name of *naiffez*, or dwarf points, because they are naturally brilliant: here are also amethysts, crysoliths, and those stones which the lapidaries call hematites.

BALAMBOANG. See JAVA.

BALANCE, or the *scales*, one of the six simple powers in mechanics, used principally for determining the equality or difference of weights in heavy bodies, and consequently their masses or quantities of matter.

The *balance* is of two kinds, ancient and modern; the ancient or Roman, called the *statera Romana*, or steel-yard, consists of a lever or beam, moveable on a center, and suspended near one of its extremities; on one side the center are applied the bodies to be weighed, and their weight, measured by the divisions marked on the beam, in a place where a weight moveable along the

beam, being fixed, keeps the *balance* in equilibrio. This is still used in markets, &c. where large bodies are to be weighed.

The modern *balance*, now commonly in use, consists of a lever or beam, suspended exactly by the middle, and a scale suspended at each extremity.

The principle on which each is founded is the same, and may be conceived from what follows:

The axis of a *balance* is that line about which the balance moves, or rather turns round. When we consider the length of the brachia or the beam, then the axis is to be looked upon as a point, and called the center of *balance*. We call points of suspension or application, those points where the weights really are, or from which they hang freely; or the scales in which the weights are placed.

Concerning this machine, we are to observe that the weight does equally press the point of suspension, at whatever height it hangs from it; and in the same manner as if it was fixed at that very point: for the weight at all the heights equally stretches the rope by which it hangs.

This instrument serves to compare together bodies which have equal quantities of matter, though sometimes differing in bulk; for when the commodities to be bought or sold are placed in one scale, so as to make an equilibrium with the weights in the opposite scale, the momenta are equal; and since the velocities are equal on account of the equal distances, the quantities of matter must be also equal.

A *balance* is said to be in equilibrio, when the actions of the weights upon each brachium to move the balance are equal, so that they mutually destroy each other. When a *balance* is in equilibrio, the weights on each side are said to equiponderate. Unequal weights may be made to equiponderate; but then it is requisite, that the distances from the center be reciprocally as the weights; because, if each weight be multiplied by its distance, the products will be equal.

BALANCE in the accounts of merchants, is when the debtor and creditor sides of any distinct account are equal. When that is the case, such account is said to be balanced.

BALANCE of a merchant's or trader's books. This is a branch of the art of accountancy. In the method of keeping the books of traders, according to that admirable art of charge and discharge, by double entry, such books, if kept as they ought to be, will be always fit for a general balance: for such is the excellency of that method, that the books of themselves must be necessarily upon a balance on the whole, though not in every distinct account, throughout the ledger.

BALANCE of trade, is a computation of the value of all commodities, which we buy from foreigners, and on the other side the value of our own native products, which we export into neighbouring countries; and the difference or excess of such, between the one side of such account or computation, is called the *balance of trade*: this excess can be answered by us in nothing but our coin or bullion; the overplus of goods brought from our colonies in America, and other foreign parts, with which we supply our neighbours, is computed in time of peace at least to balance our trade. *Child's Disc. on Trade, cap. 9.*

The national use to be made of studying where the *balance of trade* lies, with regard to our own nation, is to know with what countries the *balance* is to our disadvantage; that is, to what countries we pay more for their commodities which we import, than we receive of them for our native commodities which we export. The end of this enquiry, with respect to the public interest, is to lessen our imports, and increase our exports, or to sell to such country at least as much as we buy of them, and so increase our sales, if practicable. The measures proper to be taken for this purpose must be different according to the different circumstances of nations; and the nature and consequences of the trade carried on with them, considered in every view that it will admit of. These measures must be particular, and well timed.

There are, also, general principles, which are certain to prevent the *balance* being so much in our disfavour as it

it is with some countries, and which may have a tendency to turn that to our advantage which is at present against us. By what measures this end may be answered, will appear throughout the course of this work.

BALANUS *Myrsiflca*, in pharmacy, the *ben-nut*. The tree which produces this fruit, is common on the mountains of Arabia. Its leaves are of a very singular kind, consisting of long, slender, and small pedicles, ending in points, and furnished on each side with still smaller branches or shoots from them, and these also with others from them: all these ramifications, which together make one leaf of the *ben-tree*, stand in pairs; and on them grow also in pairs small ones of a different shape in the different parts of the ramification, those towards its bottom being roundish, and the others narrower and more oblong, as they approach the top.

The fruit of this tree is a pod of three or four inches long, and not very thick; it has two cells, in each of which it contains one of the *ben-nuts*, and terminates in a sharp beak, or prominent point. The *ben-nut* is a fruit of an uncertain and irregular figure, sometimes almost round, sometimes oblong, always more or less raised into ridges in three places, each running the whole length, and in the whole giving it something like a triangular form.

The oil extracted by expression from this fruit is greatly used by perfumers for preserving the scents of flowers, as jessamin, orange, tuberose, &c.

BALASTRI. Thus they call at Smyrna the finest gold cloths that are manufactured at Venice, and which the Venetians carry into the ports of the Levant.

BALAUSTIÆ, *balustines*, in pharmacy, the double flowers of the wild pomegranate.

The tree which produces them is the *malus punica perisflora*, or *malus punica sylvestris major*, of the botanical writers, and one of the *icofandria monogynia* of Linnæus. It is a prickly shrub; its leaves are oblong and pointed at the ends, and its flowers very large and beautiful, resembling the red rose, but of a much brighter and more florid colour. It grows very plentifully in hot countries, where its flowers are gathered and dried for use. They are a very powerful astringent, and are given with success in diarrheas, dysenteries, and profluvia of the menses, and in all cases where astringents are proper. *Hill* on the *Materia Medica*.

BALAZEES, or **SAUVAGAZEES**, of Surat, are white cotton cloths, manufactured in that city of the Grand Mogul's empire, and in its neighbourhood. They are thirteen French ells and a half in length by two thirds in breadth.

BALCK is the capital of the smallest, and most southern part of the Grand Boucharie in Great Tartary, but extremely well cultivated and fertile: here is gathered a great deal of silk, which the inhabitants work up into stuffs; the Uzbeks here are the most civilized of all the Mohammedan Tartars of the Grand Boucharie; to which the great commerce they drive with the Persians and the subjects of the Great Mogul does not a little contribute.

BALDIVIA, is the first city found on the coast of Chili in South-America, after passing the straits of Magellan, and is seated two leagues from the sea, in the fortieth degree of latitude, between the branches of two rivers, which at their mouth form one of the finest and securest ports on all this coast. The gold mines, which are not very distant, and more abundant and rich than any other of Chili, rendered it formerly very famous; but the revolt of the Arauco Indians, who invaded and took it in 1599, and whom the Spaniards have not been able to subdue since, has greatly diminished its reputation and trade, although the latter have re-established themselves here, and maintain a garrison of two hundred men. Its principal trade by sea is to Lima, the capital of Peru, where are yearly sent eight or ten vessels of four or five hundred tons, laden with all the products of the country, among which are beef and goat-skins, tallow, salt meat, and wheat. And the returns made by these ships are in wines, sugar, cacao, spices, and all sorts of European merchandize, that arrive from Porto-Bello to Lima, by way of Panama. Its inland commerce is to St. Jago, capital of Chili, through which it receives

from Buenos Ayres the various commodities which we shall mention in treating of the trade of that famous city.

It is in the ports of Baldivia, la Concepcion, and Valparaíso, that all the trade of the kingdom of Chili is transacted with that of Peru, as the way by land, although shorter, is both more difficult and dangerous, on account of the mountains to be crossed, which are almost all desert, and so difficult of access by the extreme cold always reigning here, that there are but few merchants who care to run the hazard of them; and the road by the desert of Datacama, notwithstanding it is the shortest, is not less difficult through the want of fresh water.

BALE, a pack, or certain quantity of goods or merchandize; as, a *bale* of silk, cloth, &c. This word is used in the statute 16 Ric. II. and is still in use.

The *bales* are always marked and numbered, that the merchants to whom the belong may easily know them; and the marks and numbers correspond to the same on bills of lading, &c.

Selling under the *bale* or under the *coris*, is a term used in France and several other countries for selling goods by the gross, without sample or pattern and unopened.

Bale merchandize is a term of contempt in France and Flanders, by which are described common hardware and other low goods that are manufactured slightly, and sold in *bales* at the most ordinary or low price.

BALKS, in agriculture, are the ridges or banks between two furrows, or parcels of arable land.

The term is also used to signify the large pieces of timber brought from Norway, &c. and among bricklayers, for those large beams used in making scaffolds.

All *timber in balks*, which shall be of eight inches square, or upwards, that shall be imported, or brought from any part beyond the sea into the realm of Great-Britain, shall be rated according to the measure of timber, the foot square three-pence for the value thereof, and according to that rule shall pay for subsidy, twelve-pence in the pound, according to poundage; and all under eight inches square, and above five inches square, shall pay for subsidy according to the rates for middle *balks*; and all of five inches square, or under, shall pay according to the rate of small *balks*.

BALLAST of a ship, any weighty matter placed near the keel of the ship, in order to make her draw the more water, and render her stiffer, or more capable of carrying sail, without oversetting.

Though *ballast* is generally used in shipping, where a vessel goes out empty, or filled with light goods, yet it is not esteemed any part of her furniture, and so it was adjudged (*Linter's case*, Leon. 46, 47.) in debt on bond; of which the condition was, that whereas the plaintiff had bought of the defendant a ship, if the plaintiff shall enjoy the said ship with all the furniture belonging to the same, without being disturbed for the ship, or any furniture appertaining to it, that then, &c. and the case was, after the sale of the ship, a stranger sued the plaintiff for certain monies due for *ballast* bought by the defendant for the same ship, in which suit he obtained sentence, upon which the ship was seized: the question was whether *ballast* be furniture for a ship or not, and it was resolved in the negative; for although it may sometimes be as necessary as sails, yet it is not always so, as ships frequently sail without it, more especially when a heavy loading answers the purpose by supplying its place.

No person shall cast out of any ship or vessel, within any haven, road, channel or river, flowing to any port or town within the king's dominions, any *ballast*, rubbish, gravel, or other wreck or filth, but only upon the land above the full sea-mark, upon pain to forfeit five pounds. 34 and 35 Hen. VIII. cap. 9. sect. 6.

And as it has been since the practice of many unthinking masters of vessels, regardless of the public welfare, to throw their *ballast* out any where, to the great detriment of many ports, &c. the legislature thought proper to prevent the continuance of so prejudicial a custom, by passing the subsequent law; the preamble to which sets forth, that masters, and other persons belonging to ships, coming into havens, navigable rivers, &c. do throw out their *ballast* either on the shore, or on the side,

and

and below the usual sea-mark, and do other annoyances, to the detriment and obstruction of navigation; and for remedy whereof, it is enacted by 19 Geo. II. that if, after June 1, 1746, any master or owner, or any person acting as master of any ship or other vessel whatsoever, shall cast, throw out, or unload, or if after the day aforesaid, there shall be thrown out, &c. of any vessel, being within any haven, port, road, channel, or navigable river, within England, any ballast, rubbish, gravel, earth, stone, wreck, or filth, but only upon the land, where the tide or water never flows, or runs; any one or more justices for the county or place where or near which the offence shall be committed, upon information thereof, shall summon, or issue his warrant, for bringing the master or owner of the vessel, or other person acting as such, before him, and upon appearance, or default, shall proceed to examine the matter of fact, and upon proof made thereof, either by confession of the party, or on view of the justice, or upon the oath of one or more credible witnesses (which oath the said justice is to administer) he shall convict the said master, &c. and fine him at his discretion, for every such offence any sum not exceeding five pounds, nor under fifty shillings, &c. and for want of sufficient distress, the justice is to commit the master, or person acting as such, and convicted as aforesaid, to the common goal or house of correction, for the space of two months, or until payment of the penalties.

The following act for explaining and amending the former, passed 32 Geo. II.

The act for the better regulating *lastage* and *ballastage* in the river Thames, being near expiring, it is enacted that all the powers, clauses, and provisions therein, other than such as are hereby amended, shall continue in force until the 24th of June, 1770, and from thence to the end of the then next session of parliament.

By 6 Geo. II. cap. 29. *sect. 1.* All masters of ships lying in the river Thames, shall pay to the corporation of Trinity-house, for all *ballast* demanded, and entered at the ballast-office, the rates following, viz. for every ton consisting of twenty hundred weight, carried to any ship employed in the coal-trade twelve pence, and for every ton carried to any other British ship, fifteen pence; and for every ton carried to any foreign ship, nineteen pence, and the corporation of Trinity-house, shall pay for the raising and carrying every ton of *ballast*, nine-pence, whereof six-pence shall be paid to the two ballast-men, and three-pence for the use of the lighters.

sect. 2. Nothing in this act shall alter the price of washed *ballast*.

sect. 3. If any ballast-man shall deliver any *ballast*, which shall fall short of quantity; or shall neglect to deliver to any ship such quantity as the rulers of the *ballast-office* shall by their usual tickets direct, or shall deliver more, or other ballast than shall be directed, every ballast-man so offending, and oath being made of the fact, within ten days after the offence, or within ten days after the next return of such ship, by the master, or other officer of any such ship, before any supervisor of the ballast-office, being an elder brother, shall for every ton, which shall appear to fall short, and for every ton, directed by the ballast-rulers, which such ballast-man shall neglect to deliver, and for every ton delivered contrary to the directions of the said rules, forfeit two shillings and six-pence.

sect. 4. The said master, wardens, and assistants, shall make good to the master of such ship, the quantity or value of the *ballast*, which shall be found deficient; and in case such recompence shall not be made within ten days after the same shall be demanded, the corporation shall forfeit fifty pounds, &c. which recompence the corporation are empowered to stop out of the wages due to such ballast-men, over and above the penalties.

sect. 5. No person shall oblige any ballast-man to deliver *ballast*, which shall be directed by the rulers of the office to be carried to any other ship; and if any person shall fraudulently receive any greater quantity of *ballast* than they shall enter and pay for at the office, every person so offending, and being thereof convicted, upon oath of

one witness before a justice of peace for the city of London, or the counties of Middlesex, Essex, Kent, or Surry, within their respective jurisdictions, shall for every ton of ballast forfeit two shillings and sixpence.

sect. 6. If any ballast-man shall refuse to work for the wages herein mentioned, or having contracted to serve for any term, shall quit such service, or shall depart from the service of the corporation, without giving three months notice in writing to the supervisors of the ballast-office; or shall refuse to work, or shall not work in such stations in the river Thames as the corporation shall appoint, or shall work in any station contrary to the orders of the rulers of the office, given in writing; or shall join in any combination to raise wages, or obstruct the service of the corporation, or the navigation of the river, every person so offending, and being convicted as aforesaid, shall forfeit five pounds.

sect. 7. The corporation of Trinity-house shall cause marks to be set on the stem and stern of every lighter, between every two gauge marks now placed on the stem and stern, that the tonnage of every such lighter may be distinguished, by a gradual progression of two tons and a half.

sect. 8. It shall be lawful for the masters of ships taking *ballast*, to meet in the square of Billingsgate, on the third Monday in June, in every year, to adjourn as the majority of them shall think fit, and by writing under the hands and seals of the major part of them, to appoint persons, having been masters or mates of ships, to inspect the ballast-lighters, which persons are empowered to examine the marks; and in case such persons shall suspect, that any of the marks have been altered, and shall at the ballast-office require the said lighter to be reweighed, the corporation shall, within ten working days after such request, cause such lighter to be re-weighed; and in case the same shall be found to be of as great tonnage, as by the marks shall be noted, the charge of such re-weighing shall be paid by the persons requiring the same; and in case such persons shall not pay the charge within ten days after such re-weighing, they shall forfeit five pounds; but if such lighter shall be found of less tonnage than the marks denote, the charge of such re-weighing shall be borne by the corporation, who shall cause the marks on the stem and stern of such lighter to be placed in such manner as to denote the true tonnage; and in case the corporation shall neglect to have such lighter re-weighed, or to mark the same according to this act, the corporation shall forfeit fifty pounds.

sect. 9. No more than two lighters shall be required to be re-weighed in any one week.

sect. 10. It shall be lawful for any master of a ship to appoint two persons belonging to such ship (whereof the mate to be one) to go on board any lighter, bringing *ballast* to such ship, to inspect the marks before and after the delivery of such *ballast*; and every ballast-man shall immediately, before the delivery of *ballast* to any ship, trim such lighter so as to make the same swim, at equal marks at the stem and stern, and pump all the water out; and if any person working on board such lighter, shall hinder any person, so appointed, from going on board such lighter, or shall begin to deliver the *ballast* before such lighter shall be trimmed to swim at equal marks, and the water pumped out, every person so offending shall forfeit five pounds.

sect. 11. If any ballast-man shall work, or deliver *ballast*, in any lighter, not weighed, marked, numbered, and allowed by the corporation; or shall alter, or counterfeit the gauge-mark, or the number of such lighter, he shall forfeit ten pounds.

sect. 12. If any ballast-man shall demand and receive from any master or officer, of any ship, any money, on account of *ballast*, or the delivery of the same, he shall forfeit forty shillings.

sect. 13. The ballast-men employed in the service of the corporation, shall be subject to the regulations of the corporation; provided such regulations do not extend to the lowering the wages.

sect. 14. It shall be lawful for any master of a ship to carry as *ballast* from London, or any part of the river Thames, any dung, chalk, soap-ashes, flints, clay, or other goods, now claimed to be furnished as ballast, subject

subject to the restrictions herein after mentioned.

Sett. 15. The master of every such ship shall first make entry at the ballast-office, or with the officer of the said corporation at Gravesend, of the said goods, and the name of such ship, and of the master.

Sett. 16. At the time of such entry, the master of such ship shall pay for such licence to the corporation one penny for every ton of the said goods.

Sett. 17. If any master of any ship shall put on board any of the said goods before such entry and payment, or shall ship any greater quantity than shall be so entered and paid for, he, on conviction before one justice, shall forfeit five pounds, &c.

Sett. 18. Provided that the whole quantity of dung and compost, licensed to be shipped for the use of the coasters and colliers does not exceed three thousand tons in any one year, to commence from the first of June; and that the whole quantity of chalk and chalk rubbish does not exceed three thousand tons; and that the quantity of soap-ashes, and all other commodities herein licensed, does not exceed two thousand tons, in any one year.

Sett. 19. All entries of the goods so licensed, which shall be shipped in the last seven days of May, shall be made at the Trinity-house, in London, and not at Gravesend.

Sett. 20. It shall be lawful for any master of any ship to carry as ballast, from any part of the river Thames, any bricks, tiles, lime, or other merchandizeable commodity, without paying any thing to the corporation.

Sett. 25. This act shall be a public act, &c.

Sett. 26. This act shall continue from the first of June, 1733, for five years, and to the end of the next session of parliament. Continued for seven years, &c. by 11 *Geo.* II. c. 12. and farther continued for eleven years, and from thence to the end of the then next session of parliament by 18 *Geo.* II. p. 548.

By 32 *Geo.* II. *sett.* 2. Dung, compost, soil, earth, chalk, rubbish, soap-ashes, soap-waste, flints, tobacco-pipe clay, or other clay, or any other goods, claimed to be furnished as ballast by the Trinity-house, (subject nevertheless to the payment of rates and duties, and under the provisos and restrictions afore-mentioned) may be shipped in colliers or coasters from London, or any part of the Thames, so that the same doth not exceed three thousand tons, over and above two thousand tons, allowed to be shipped by the lessees or occupiers of lay-stalls, on the condition after-mentioned; of chalk and rubbish three thousand tons, and of soap-ashes and other commodities claimed to be furnished as ballast by the Trinity-house, two thousand tons.

Sett. 3. Before shipping the ballast claimed by the Trinity-house, the master or owner shall make a due entry at the ballast-office of the Trinity-house, London, or at the Trinity-house at Gravesend, (unless the ballast be shipped in the last seven days of the month of May, then the entry at London only) and of the ship's name and of the master, and at the same time pay to the corporation one penny a ton for a licence.

Sett. 4. If any of the commodities be shipped before entry, or any greater quantity shipped than entered, to forfeit five pounds.

Sett. 5. Bricks, tiles, lime, or merchantable commodities, to be shipped without paying for licence.

Sett. 6. All lighters and other vessels employed for carrying dung, &c. on board any ship or vessel to be first weighed, marked, and numbered, by any officer of the Trinity-house, on the penalty of five pounds, and a gauge-mark of the number and tonnage of the vessel to be painted on the stem or stern of the vessel, if removed, to forfeit five pounds.

Sett. 7. If the gauge-mark has been removed, altered, or changed, the corporation may re-weigh the lighter, and, if the tonnage is more than marked, the owner to forfeit five pounds.

Sett. 8. The Trinity-company to find lighters to take ballast from ships within three days after notice from the master, unless frosty or tempestuous weather, on forfeiture of fifty pounds.

Sett. 9. The owner or master to pay six-pence per ton to the company for lighterage.

Sett. 10, 11. The master to forfeit five pound for un-

loading any ballast below high-water mark; and forty shillings to be paid by any person throwing any dirt, rubbish, ashes, &c. from any wharf, quay, or bank, or from any barge or lighter.

BALLIAGE, a duty payable to the city of London, for all goods and merchandizes of aliens or denizens, both within the allegiance of the British crown, being the sons of aliens, born under foreign allegiance, granted together with the duties of scavage, package, and portage, to the mayor and commonalty, and citizens, by their charter, dated the fifth day of September, in the sixteenth year of the reign of king Charles II. confirmed by the twentieth rule of the book of rates, and by 2 *Will.* and *Mar.* c. 8.

	s.	d.
Beer, the ton	0	4
Canvas, the hundred ells, containing six score	0	2
Coals, the chaldre	0	1
Broad-cloth, the piece	0	1 $\frac{1}{2}$
Kerseys of all sorts, the piece	0	0 $\frac{1}{2}$
Perpetuanes, the piece	0	0 $\frac{1}{2}$
Drapery of woollen or worsted		
Stuffs, woollen or worsted, the single piece	0	0 $\frac{1}{2}$
Stuffs, woollen or worsted, the double piece	0	1
Cochineal, the hundred, containing 5 score pounds	1	0
Indico, the hundred, contain. 5 score	0	4
Wood of all sorts for dyers, the hundred weight, containing 112 lb.	0	1
Fustians, English-making, each 15 yards	0	0 $\frac{1}{2}$
Flax or hemp, the hundred weight, containing 112 lb.	0	1
Cloves, mace, nutmegs, or cinnamon, the hundred, containing 5 score	0	6
Pepper or ginger, the hundred, containing 5 score	0	2
Raisins, the piece or frail	0	0 $\frac{1}{2}$
Raisins solis, the hundred weight, containing 112 lb.	0	1
The ton unwrought	0	6
Wrought, the hundred weight, containing 112 lb.	0	1
Lamperns, the thousand	0	0 $\frac{1}{2}$
Lead, the fodder	0	6
Saffron, the pound	0	0 $\frac{1}{2}$
Salt, the wey	0	2
Salt-petre, the hundred weight, containing 112 lb.	0	1
Silk raw, or thrown, the pound, containing sixteen ounces	0	0 $\frac{1}{4}$
Beaver-skins, the hund. contain. five score	1	6
Badger-skins, the hund. contain. five score	0	6
Coney-skins, black, the hund. containing six score	0	2
Cat-skins, the hund. containing five score	0	2
Calve-skins, the hund. contain. five score	0	2
Fox-skins, the hund. containing five score	0	6
Fitches, the timber	0	1
Morkins, the hund. containing six score	0	2
Otter-skins, the hund. contain. five score	0	6
Sheep, or lamb-skins, the hundred, containing six score	0	2
Squirrel-skins, the thousand	0	1
Tin or pewter, the hund. weight, contain. 112 lb.	0	2
Wax, the hundred weight, containing 112 lb.	0	2
Wool of all sorts, the hundred weight, containing 112 lb.	0	2
Other merchandizes, liquid or dry, that are not particularly rated in this table, shall pay balliage duties outwards, by their bulk, as followeth, viz.		
A great packet or fardle, containing between 15 or 20 cloths, or other goods to that proportion	1	6
An ordinary pack, trufs, or fardle, containing in bigness about 10 or 12 cloths, 12 or 14 bays, or to the like proportion in friezes, cottons, or other goods	1	0
A bale, containing 3 or 4 cloths, 4 or 5 bays, or the like proportion in other goods	0	6
For a great maund, or great basket	0	8
For a small maund, or basket, weighing 300 lb. or under	0	4

For a hamper or coffer, weighing 200 lb. or under	s. d.
For a butt or pipe	o 3
For hogthead or puncheon	o 8
For a barrel	o 4
For a firkin	o 2
For a dry fat	o 1
For a drum fat	o 8
For a bale	o 4
For a great chest, or great case	o 6
For a small chest or case, containing 300 lb. or under	o 8
For a small box	o 4
For a great trunk	o 2
For a small trunk, not above 200 lb.	o 6
For a bag or sack	o 3
For a feron	o 4
	o 3

Wolfeley.

BALLIN. Thus they call at Bourdeaux, at Bayonne, and in other trading-towns of the province of Guienne in France, what at Paris and elsewhere they call *emballage*, or packing, &c.

In the wool-trade at Bayonne they deduct so much for packing upon every bale, which amounts from eleven to fourteen pounds weight, according as the packing-cloth is more or less coarse, or the bale larger or smaller.

BALLON, or **BALLOON**, in chemistry, signifies a matrafs having a large body and short neck, used as a receiver in distillation.

BALLON, or **BALON**, a sort of brigantine in the kingdom of Siam, to navigate up and down the rivers, and carry on the inland trade.

It is made of the trunk of one single tree, in an hollow manner, and is managed with oars. These vessels are of several sizes, according to the use they are designed for. The king has some to take his pleasure upon the water, and these are not less than a hundred or a hundred and twenty feet long, and six or seven broad, and have a hundred rowers on each side. Nothing can be more stately than those *ballons* in which the kings of Siam shew themselves now and then to their subjects, with such pomp as inspires them with a religious awe, not to say, downright adoration.

BALLON, called also **BALLOT**, in the glass-trade of Lorrain, signifies a certain quantity of glass-plates, smaller or greater, according to their quality. The *ballon* of white glass contains twenty-five bundles, of six plates per bundle; but the *ballon* of coloured glass is only of twelve bundles and a half, and of three plates to a bundle.

BALLON, is also a term used in the paper-trade. The paper of Marseilles, called paper with the little cross, *a la croizette*, of which large quantities are sent to Constantinople, is sold by the *ballon*, containing twenty-four reams. The *ballons* of paper with the crown, which is manufactured in some places of Provence, and is also very proper for the Levant-trade, where it is sold for Venice paper, contains but fourteen reams.

BALM. See **BALSAM**.

BALNEUM. See **BATH**.

BALNEUM Arenæ, in chemistry, a sand-heat.

BALNEUM Mariæ, or *maris*, as sometimes written, signifies the heat of boiling water. In this operation, the vessel containing the ingredients to be distilled, digested, or acted upon, is put into a vessel of water, which is made to boil, so that no greater heat than that of boiling water can be communicated to the ingredients.

BALNEUM Vaporis, a vapour-bath, imports the heat of the vapour, or steam of water.

BALSAM, *Balsamum*, in pharmacy, a name attributed to several substances, possessed of sulphureous, resinous, and oily principles, which are fragrant and friendly to nature, and by means of which they operate.

The very word *balsam* seems, in all ages, to have had an idea of excellence and efficacy affixed to it, above any other branch of the *Materia Medica*; for the ancient physicians by this word meant any species of medicine, which powerfully recommended itself by a grateful and delicious fragrance, and whose use, both internal and external, was of singular efficacy in preventing putre-

faction, and resisting corruption. And as they observed that the bodies of the dead were, by means of *balsams*, enabled to defy the attacks of corruption, for an immense series of years, they began to imagine, that their virtues might extend to the living, protract life, and corroborate what they called the *calidum innatum* fluctuating in the blood. But however unintelligibly they might talk on this point, yet it is certain that the notion itself was just and well founded, since we are taught by experience, that among the vast variety and infinite store of medicines with which the vegetable, animal, and mineral kingdoms supply mankind, none are more powerful, none more efficacious, than those which come under the name of balsams. *Hoffman*.

BALSAM, or **BALM** of Gilead, (called also by botanical writers, *opobalsamum*, *balsamum Judaicum*, *e Mecha-verum*, *oleum balsami*.) The true *balsam* of the ancients, *Park*. is a liquid resin, of a whitish or yellow colour, of a fragrant smell, and of a penetrating aromatic taste. Geoffroy resembles the smell of this *balsam* to that of citrons, others to a mixture of rosemary and sage-flowers. I have occasionally met with a curious *balsam* somewhat resembling the latter in point of smell: it was exceedingly fragrant, limpid, and thin; and dropt on water, spread itself all over the surface, imparting to it a considerable degree of its smell and taste; the grosser part which remained on the top of the water was so tenacious as to be easily taken up with the point of a needle, which is reckoned by some as a characteristic of the true *balsam*. *Lewis*.

The shrub, which produces this *balsam*, is described by authors under the name of *balsamum verum*, and *balsamum Syriacum ruta folio*. It grows to five or six feet high. Its leaves are resembled to those of rue by authors, but they are rather like those of the lentisk tree; they are of the pinnated kind, three or four pairs of little roundish leaves growing to a middle rib, with an odd leaf at the end. These leaves remain green all the winter: the twigs or small branches of the shrub are tough like those of the willow, and when broken are of a very fragrant smell. The bark of the whole shrub also is scented, but the wood of the larger branches is white, and has no smell. The flowers resemble those of the acacia, and are of a purplish white and extremely fragrant. The seeds are yellow and small, and are inclosed in blackish membranous capsules, and are very sweet-scented, and of an acrid and bitterish taste.

The *balm* of Gilead is not found at present in any of the places authors mention, being only cultivated in some gardens by the Turks, particularly about Cairo, where they are at great expence for its culture. They all agree that it was originally brought from Arabia; and, indeed, the most authentic accounts we have, all join in fixing Arabia Felix as its true native soil.

There are three ways of obtaining it, and, according to these, there are three kinds of this *balsam*. The first is that obtained from the natural cracks, or from wounds made in the bark, as by the ancients; this is the best and most precious kind. But there is so little procured this way, that it scarce supplies the seraglio, and the great officers, and hardly a drop of it is ever sent out of the country. The second kind is called by some the Constantinople *balsam*: this also rarely comes to us, unless in small quantities presented by the great men of the Porte. This is prepared by boiling; they fill large vessels with the young twigs and leaves of the balsam shrub, and, adding a large quantity of water, they boil them gently. During the boiling, there rises to the surface of the liquor an oily and balsamic matter, which they scum off and preserve for use; after all this fine matter is raised, they increase the fire, and a large quantity of a somewhat thicker balsam rises, more like turpentine; this they also separate, and preserve by itself, and this is principally what is brought over into Europe.

It is unquestionably a very noble detergent and balsamic: it is of the same use with *capivi* in gonorrhæas, and is excellent in ulcers of the kidneys and bladder. It is by some esteemed a cure for consumptions, and though it deserves not absolutely that title, yet with proper management it may do great service in them. Externally it has at all times been deservedly famous for curing wounds of all kinds; where the wound is indeed a simple folu-

solution of continuity, and there is no bruise with it, the cures with *balsams* of this kind are very sudden. For internal use, it may be either given in bolusses, or dropped on sugar, or finally dissolved by means of the yolk of an egg or gum Arabic into emulsions.

BALSAM of Peru. There are two kinds of this balsam, one of a white colour, the other of a dark brown. The first, rarely to be met with, flows spontaneously from the tree, by making a slight incision in it. It is limpid, of the consistence of turpentine, of a fragrant smell, and much dearer than the other. It is said to possess the virtues of the *balm* of Gilead, and to be no way inferior to that precious drug. The second is a fluid, resinous juice, of the consistence of turpentine, of a reddish colour inclining to black, and of a subacid, biting taste. Its smell is by some resembled to that of benzoin. Distilled with water, it yields a small quantity of very fragrant oil. This balsam is said to be obtained from a tree which grows in Peru, and the hotter parts of America, by boiling its tops and bark in water for a certain time, and suffering the liquor to cool; when the *balsam*, which is found swimming upon the surface, is carefully skimmed off. But the *balsam* of Peru, which I have hitherto had an opportunity of examining, was specifically heavier than water, and therefore must have been obtained by some other means than that above-mentioned. *Lewis.*

The tree which produces the *Peruvian balsam* grows to seven or eight feet high in form of a shrub, much branched from the bottom; its leaves resemble those of the almond-tree, but are broader and more pointed. The flowers stand on the summit of the branches, are yellow, and are succeeded by crooked seeds.

The virtues of this *balsam* as a cordial, a pectoral, and a diuretic, are very great. It is given with success from four to eight drops for a dose in consumptions, asthma, nephritic complaints, and in obstructions of the viscera, and suppressions of the menses. It has also, externally used, all the virtues of the *balm* of Gilead, and consolidates wounds in the same remarkable manner. It is best taken dropped on sugar; the yolk of an egg will indeed dissolve it, and it may be that way made into an emulsion, but it is more acrid in that form than when taken singly. It is often made an ingredient in bolusses and electuaries, and is in some of the official compositions.

BALSAM of Tolu. is of the consistence of the thicker kinds of turpentine, but upon keeping, grows hard and brittle. It is of a light reddish, inclining to a golden colour, of a grateful taste, and fragrant smell, somewhat like that of lemons. It is brought over in little gourd shells from Tolu in America. *Lewis.*

All we at present know of the tree which produces this *balsam*, is that it is low, but resembles the common pine; that it is very much branched, and has oblong and narrow leaves, which are green all the winter. The Indians cut and wound the bark of the trunk and branches of this tree in the hottest seasons, and collect the balsam that flows, during the heat of the day, from the wounds, with small spoons, from which they empty it into those shells we see it in.

The virtues of the *balsam* of Tolu are the same in general with those of the *Peruvian* and *Gilead* kinds; but it is less acrid, and therefore is preferred by many to both. It is given in consumptions and other disorders of the breast, sometimes in form of pills, sometimes of an electuary; but as it has not the pungency of the other kinds, the best form of giving it is an emulsion dissolved with the yolk of an egg, and so mixed with water.

The syrup, called *syrupus balsamicus* in the shops, is made of this balsam boiled in water in a close vessel, and the decoction thickened into a syrup with fine sugar.

BALSAM of Capivi, is of a whitish yellow colour, and of a fluid, resinous, and balsamic consistence, like Venice turpentine. It is of an acrid and somewhat bitter taste, and flows, by incision, from a tree of a moderate size. Ray calls this tree, *arbor balsamifera Brasiliensis fructu monospermo.*

The tree is common in Brazil, from whence we have this *balsam*. There are two sorts of it, the one is a limpid liquor of a fragrant and very grateful smell, and somewhat acrid taste: the other is thicker, and of the consistence of turpentine. But this difference is intirely

owing to the different times of gathering it; for that which flows immediately after the incision is made, is very clear, white, and of a fragrant smell; whereas that which follows is of a colour approaching nearer to that of gold, and of a thicker consistence.

It is a great balsamic and vulnerary, both internally and externally, and has an astringency which all the other liquid resins want. It stops the *fluor albus* in women, and the gleets remaining after the cure of gonorrhæas in men. It is good in dysenteries and other fluxes of the belly. It gives relief in nephritic complaints of all kinds, promoting the discharge by urine, and sheathing the acrimony of the salts of that secretion, and bringing away gravel or other foulnesses in the passages. *Hill.*

BALSAMICS, medicines endued with soft, gentle, attenuating principles, and very friendly to nature.

These medicines, by means of their fine, ethereal, subtle, and volatile oil, which is grateful and agreeable to the constitution, act upon the fluids as well as the solids of a human body, diffuse their virtues through all its parts, supply the blood and humours with a seasonable reinforcement of sulphureous, warm, and ethereal parts, increase their intestine motions, and convey a genial vigour to the vital juices. They also abound in a subtle, acrid, balsamic salt, by means of which they augment the force and elasticity of the heart, arteries, and muscular fibres, in consequence of which, the circulation of the blood and humours is promoted, the thick and viscid juices attenuated, obstructions removed, and perspiration preserved intire, a circumstance of the last importance in curing diseases.

In all diseases therefore of the head, nerves, spinal marrow, stomach, and heart, which, according to the ancients, proceeded from a cold cause, or, in other words, from inspissated and condensed juices, or from the tone of the nervous and muscular parts being destroyed; such as apoplexies, palsies, numbness, and torpor of the senses, weakness of the memory, difficulty of hearing, faintings, and excessive weakness; these medicines may be used both internally and externally, with good success.

They are also of singular service in those disorders of the stomach and intestines, which proceed from their tone being too much weakened, an excess of acid and viscid crudities, or a depraved digestion, such as inflammations, diarrhæas, flatulent colics, and vomitings. Besides, they have this peculiar advantage, that they are exquisitely suited and adapted to the old and infirm, to such as have the misfortune of lax habits, or phlegmatic constitutions. But they are to be used cautiously, and in moderate doses, by young people, and patients of choleric and delicate constitutions, as also in cases where the body abounds with blood and humours. *Hoffman.*

BALTIC-SEA. Under the trade of this sea, are not only comprehended what is inclosed within the compass of this sea, but also some cities seated on the rivers which fall into the Germanic ocean that are near; and all that are more northwardly, as Norway, Danish, Swedish, or Muscovitish Lapland, Archangel, Boronday, Siberia, Groenland, and Nova-Zembla.

Hamburgh, an imperial and hanziatic city, is the most considerable of all of them, situated on the Germanic Ocean. Here is carried on, not only the whole trade of the Elbe; but it is also, by means of its merchants, that the greatest part of the remises are made and bills negotiated, with all the cities of the North; an advantage that it only shares with Amsterdam.

This famous hanziatic city is more than twenty leagues from the Elbe's mouth, though ships go up this river within two or three leagues of it, and are there obliged to lighten, being barred a nearer approach by a bank of sand, with a whole cargo. The goods proper for this place are some French salt, white wine, to the amount of six or seven thousand barrels yearly, and of brandy about four thousand, a little vinegar, cloths, wrought silks, spice, drugs, mercery, prunes, and other dry fruits, with a large quantity of paper. And the goods exported from thence are, grain, wood for ship-building, pipe-staves, latten and white iron wire made in Saxony, and all sorts of copper pots and kettles. Here are also found the many various species of goods that the North and

Baltic

Baltic produce, though not so cheap, being at second-hand. It carries on a great trade with France and Spain in its own shipping, though much more in foreign bottoms. *For other particulars, see the article HAMBURGH.*

Bremen on the *Wefer* is in good repute for its trade, though much inferior to *Hamburg*. Large loaden vessels can only go within four leagues of the city, and smaller ones to the distance of a league and a half. The imports are much the same here as the last-mentioned place, except French salts, of which none is consumed. The wood extracted from hence is the best in the north, but it is likewise the dearest; and here is also exported wheat, wool, some metals, and *Brunswick* mum, of which that of Bremen is nothing inferior.

Denmark, Sweden, *Muscovy*, Poland, Courland, and some provinces of Lower Germany, environ on all sides this part of the ocean that forms a sort of great gulph, named the *Baltic-Sea*, which can only be entered by two passages, the one called the *Belt*, difficult and dangerous, and the other the *Sound*, of which the king of Denmark is master, by possessing the fortresses of *Kronenburgh*, near *Elfseneur*.

This sea has a large number of excellent ports or cities at but a little distance, where a great commerce is carried on; the principal of which are *Lubeck*, *Copenhagen*, *Elfseneur*, *Stockholm*, *Rostock*, *Stralsund*, *Stetin*, *Cölnberg*, *Dantzick*, *Elbing*, *Königsberg*, *Riga*, *Revel*, *Pernau*, *Narva*, and *Visbourg*, from which places on this sea more goods are in general exported than imported, excepting at *Dantzick*, where the consumption is very great; this famous city being as a magazine of all necessaries to Poland.

Lubeck, an imperial city, and at the head of the *Hans Towns*, seated in Lower Saxony, on the river *Traves*, which at ten leagues from thence falls into the *Baltic-Sea*, has a better trade than Bremen, but a great deal worse than *Hamburg*. Here may sell yearly two thousand lasts of French salt, which the natives refine; four thousand barrels, or one thousand tun of wine, as many hundred barrels of brandy, and a hundred and fifty of vinegar; paper also finds a good sale here; and the French send besides sugar, mercery, and some silks; the English and Dutch bring their cloths, dying drugs and pepper, to which these latter add nutmegs, mace, and cinnamon. The goods exported are hemp, flax, Russia hides, from *Muscovy*, iron wrought and unwrought, particularly ships anchors, wood, grain, and wool. Loaden merchant-ships can only go to *Travemünde*, a small village, three leagues distant from the city, where they are obliged to lighten to the draft of eight feet water, in which condition they may swim up quite to *Lubeck*.

BAMBOE, or **BAMBOU**, is a plant which multiplies very much by its root, whence springs a ramous or branchy tuft, after the manner of some gramina, or rather after the manner of the European reeds; for the *bamboo* is of the reed kind, as well as the sugar-cane. The Indian *bamboo* is the largest kind of cane that is known. It is of an extraordinary height and bigness, when it bears its blossom, and each shoot is often towards the bottom of the bigness of a man's thigh, but decreases gradually to the top.

The *bamboo* grows in all the maritime countries of the East-Indies. Its leaves are like those of other canes or reeds, except that they are not so long nor so broad at their base, as those of other kinds, being but half a foot long, and their breadth towards the middle, an inch or something more. With these *bamboo-canes* the Indians build their houses, and make all sorts of furniture in a very ingenious manner. The thickest *bamboes* serve to make the sticks or poles, with which the slaves or other persons carry those sorts of litters, which are called *palanquins*, and are so common in use, and so convenient in all the East. They likewise make of them a kind of pails, in which the water keeps extremely cool. The walking-canes we see in Europe are the first and smallest shoots of the *bamboes*. Two pieces of *bamboo* of a certain bigness, being rubbed hard against each other, after a certain manner, will produce fire; and when the Indians cannot get any by other means, they obtain it that way. The Malayse, and such of the Chinese who are dispersed in the Molucca and Sunda Isles, use the young

small shoots of the *bamboes* preserved in vinegar after their manner, with very strong or peppered ingredients. This they call *achior-bamboo*, or *achia*, which *see*.

BAMFFSHIRE in Scotland, is very fertile, and the generality of the country well furnished with grass and corn, as the rivers are with salmon, of which here is a very advantageous fishery. In *Balvenie* is found the stone of which allum is made; and near *Strathyla*, such a quantity of those for lime, that they build their houses with it, extra of what they sell, which brings in great profit, as their commerce of fat cattle, and fine linen, disposed of in their weekly markets, does at the village of *Keith*. In *Balvenie* there is a rock of very good whetstones and hones, sufficient to supply the whole isle; and as they are so abundant, the neighbours cover their buildings with them instead of slates.

BAN, a sort of smooth and fine muslin, which the English import from the East-Indies. The piece is almost a yard broad, and runs about twenty yards and a half.

BANCO, an Italian word, signifying bank, and commonly used to signify the bank of Venice.

BAND, a weight equal to two ounces, used on the Gold Coast, for weighing gold dust.

BANDA Isles, are the only places in the world where the nutmegs and mace grow, making a part of the East-Indian Archipelago, and being in the number of those called the Little Moluccas. They are six, every one with its own name under the general one of *Banda*, viz. *Lonthor*, *Neira*, *Gounong-Api*, *Poulo-Ay*, *Poulo-Rhon*, and *Rosinguein*.

Lonthor is the largest, highest, and fullest of nutmeg-trees; it was once called *Bandan*, by the natives of the country, and it is from thence that these isles are denominated *Banda*. But after that the Dutch had a factory here, called *Lonthor*, which was that of a city destroyed in the ancient wars, this isle was called so likewise.

Neira is two-thirds less, and is where the governor of the islands resides; it is furnished with two forts, the one called *Nassau*, and the other *Belgick*. This on a little mountain towards the middle of the island, the other on the streights, a musket-shot in length, and over-against the isle of *Lonthor*.

Gounong-Api is about the size of the preceding one, and not above a stone's throw distant from it to the west; it has a large mountain in the middle, which occupies almost the whole isle; and is a volcano that burns continually ever since the end of the sixteenth century, and gives name to the island, as *Gonnong* in Malayan signifies mountain, and *Api*, fire.

Poulo-Ay is a small isle to the west of the three preceding ones, of which the land is pretty plain, and very good. The company have a fort here called *Ravenche*, and this is as fertile in nutmegs as *Lonthor*, if not more.

Poulo-Rhon, and *Rosinguein*, the other two isles, are the smallest of all, very barren, and but thinly inhabited, each having a little redoubt guarded by some inferior officers.

Banda, which is the sixth of the eight great governments that the Hollanders have in India, lies in four degrees and a half of south latitude, four hundred and fifty leagues from *Batavia*. This was one of their first establishments in India, and fort *Nassau* in the isle of *Neira* was the first they built.

Among the six isles of *Banda*, there are but three where the nutmegs are cultivated, viz. *Lonthor*, *Neira*, and *Poulo-Ay*, the others being too mountainous and barren; the first is the largest, and furnishes the greatest quantity of fruits, having twenty-five nutmeg-orchards, which in the best year produce all together about 570,000 pounds of nutmegs, and 140,000 pounds of mace, growing on a superficies of 14,000 yards of land. The isle of *Neira* yields in a good year 8,000 pounds of nutmegs, and 2,000 pounds of mace, from a spot of 10,800 yards: the isle of *Poulo-Ay*, although very small, is in proportion the most fertile of all, having six orchards containing a surface of 28,760 yards, which produce in a favourable season 120,000 pounds of nutmegs, and 30,000 pounds of mace. The proprietors of these orchards in the three isles want the assistance commonly of 26,000 slaves for their cultivation and getting in the fruit.

BAN-

BANDANNOES, a species of callicoe fabricated in the East-Indies.

BANDELIERS. See IRON.

BANDSTRINGS. See BONELACE.

BANIANS, or **BENJANS**, a tribe of Indians dispersed over all Asia, through whose hands passes almost the whole trade which the Europeans carry on in those parts. They are the third sect of the heathens who dwell in the East-Indies. The *Banians* and the Chinese are the greatest traders in the Indies, to whom must also be added the Jews and the Armenians, who are greatly dispersed over those parts. But the most considerable trade is carried on by the *Banians*, in the whole peninsula on this side the Ganges. They are extremely skilful and cunning in commerce.

There are a great many *Banians* in Persia, and especially at Ispahan and Bender-Abassi; the chief of them are very rich, but their riches do not hinder them from applying themselves to trades, even the meanest, if any thing is to be got by them. Most of them follow brokerage; and most of the brokers of the English, Dutch, and French companies, are of that nation. As to the rest, they are very honest, and have almost constantly in their hands the stock and cash of those companies.

They are likewise bankers, and there are few places in the East-Indies, for which they cannot furnish bills of exchange. They have also a sort of standing cash or bank, where persons may deposit their money, and take it out again whenever they please.

BANK, is a public office for keeping and circulating money, to be employed in exchanges, discounts, government-loans, or otherwise disposed of to advantage and gain.

This word is derived from the Italian word *banca*, or *banco*, as those of that nation used formerly to exercise the function of exchangers, or bankers, in all the public places, or *bourses* of their trading cities, seated on forms with benches to count their cash, write their letters, and draw their bills of exchange on; and some authors add, that when any of them had the misfortune to fail, his bench was broke, either as a mark of infamy, or to put another in his place, and from this occurrence they pretend the word bankrupt (in French, *banqueroute*) to be derived.

And, from which circumstance, we may see that this business was originally confined to private persons; but the advantages arising from it to trading people, being very diffusive and general, several states thought proper to incorporate some of the most considerable of their subjects for the purposes of carrying it on, with a greater security to the concerned; whilst other potentates retained the protection and management in their own hands. Genoa was the first that instituted a public bank, from which all the rest in Europe were modelled, though with different improvements, according to the genius of the people, or the nature and usefulness of it in the part it was erected; but as credit is dependant on trade, and the sole support of this sort of establishment (always founded on national securities) the decay of the Genoese commerce, joined to the false steps they took in some late embroils of Europe, hastened the ruin of this mother bank, and, it is to be feared, beyond a possibility of recovery.

There are many banks established in several of the trading-cities of Europe, but we shall only treat here of the principal ones, as at Paris, Amsterdam, Rotterdam, Venice, Hamburg, and our own; omitting those that are more inconsiderable, as only copies in miniature of the others; beginning first with the

BANK of Venice. This is commonly called *banco del gero*, on account of the continual rotation of its cash, and is properly a receptacle, or office, for a public deposit, or a general and perpetual cash for all merchants and traders.

It was established by a solemn edict of the republic, which ordains, that all payments, as well of large purchases as bills of exchange, shall be only made in bank; and that all debtors and creditors shall be obliged to pay and receive their money there, which is effected by a single transfer from the accounts of the one to that of the other; so that the credit and debit only change

names, without any real or effective money being paid.

However, payments are sometimes made in cash, particularly for retail business; and when strangers insist on ready money, or some persons are better pleased to have their funds in their own keeping; and the necessity of sometimes making these effective payments was the occasion of opening a ready-money office, for those who required it. And it has been experienced, that this current cash has not caused any sensible diminution in the funds of the bank; but, on the contrary, the liberty of withdrawing the money at the proprietor's pleasure, has rather increased than lessened them.

By this means the republic, without restraining the liberty of trade, and without paying any interest, makes herself mistress of five millions of ducats, (at which the funds of this bank are fixed) and at the same time supplies the necessities of state, without being obliged to have recourse to extraordinary impositions; and the good order always observed in the bank's administration (for which the republic is security) has rendered its establishment so solid, that there is room to judge it will last as long as the government itself.

In the bank the writings are kept, in *liras soldi*, and *denari de grossi*, of which one *lira* is worth ten *ducats di banco*, or two hundred and forty *grossi*, the ducat being composed of twenty-four *grossi*.

The money in exchange is always understood *bank ducats*, which is imaginary, and a hundred of these make a hundred and twenty ducats, current; so that the difference between *bank* and current ducats is twenty *per cent.* the brokers being prohibited to negotiate at a higher price.

The bank is shut up four times a year, viz. the 20th of March, 20th of June, 20th of September, and 20th of December; and it remains shut each time for the space of twenty days: however, this does not prevent their negotiations, as well in ready money as bank, to be wrote off at its opening.

The bank is likewise shut upon extraordinary occasions, viz. eight or ten days at the Carnival, and as long for Passion-week; it is likewise shut every Friday, when there is no holiday, to make their balance.

The bills of exchange drawn from the fairs, or otherwise, must all be payable in bank, and a seller cannot refuse payment for his goods in the same manner, except by an agreement to the contrary.

Bills of exchange have here six days of grace, and in want of payment, the protest must be made on the sixth day, otherwise the holder stands to the damage; but from the moment the bank is shut, a debtor cannot be forced to the payment of bills, neither in ready-money or otherwise, nor can be protested against for it, till on the sixth day after the bank opens, except when there is a failure, in which case every one may use their diligences, provided that the bills are fallen due.

BANK of Amsterdam. This bank, supposed the most considerable and richest in Europe, was, on the 31st of January, 1609, established by the authority of the states-general, under the direction of the burgomasters of this city, who are security for the same, and constituted themselves perpetual cashiers of its inhabitants, to whom it is of the greatest convenience and service, as millions may be paid in a day, by the simple assignments of a draught on it, without the intervention of any real cash.

The funds of this bank are related to be so great as is hardly credible, many authors quoting their value to be, at least that of three thousand tons of gold, and these rated at a hundred thousand guilders *per ton*, make, at only thirty-five schillings *per pound sterling*, the prodigious sum of 28,571,406*l.* but as this value is unascertained, we shall give Sir William Temple's opinion of it, who, speaking of this bank, in his Remarks on the State of the United Provinces, says, "In the city of Amsterdam is the bank, so celebrated in all the world, on account of the greatness of its treasure, which exceeds that of all others hitherto known, real or imaginary: the place where it is lodged, is a great vault under the town-house, provided with doors, locks, and every other security necessary for its safety and preservation; and it is

certain, that whenever any one goes to see the bank, he will find there a very great treasure in bars, and ingots of silver, plate, and an incredible quantity of sacks full of metal, said to be gold and silver, as I believe, in effect, they are; though as there are none but the burgo-masters who have any direction in this bank; and as there is no one who keeps any account of what is brought in or carried out, at different times, it is impossible to know, or even guess, with any exactness, the proportion there is between the real and imaginary treasure of it, as it does not solely consist in the effective gold and silver, but also in the credit of the city, and of the state, of which the funds and revenues are as great as those of some kingdoms, and it is obliged to be answerable for all the money brought in: the greatest payments made between the merchants of this city are in bank-bills, so that it may be said, that this bank is properly the general chest, in which every one incloses his money, because they deem it there to be in greater security, both for paying and receiving, than if they had it in their own coffers; and the bank is so far from being obliged to pay an interest on the money deposited in it, that what is there, is worth more than the current money, in which small payments are handily made, because it neither admits nor receives any cash, but of the best and most valuable species, and those that are most current, as well in Germany as the Low-Countries."

By its establishment, it is ordained, that the payments of bills of exchange, and wholesale goods, shall be only in bank, except the sum be under three hundred guilders, and nothing less than this can be wrote into bank, without paying six stivers, (except it be by the East and West-India companies, who are exempt from this duty, and may write in what small sums they please) so that the debtor is obliged to carry his money in there, and the creditor from thence to receive it.

The payments are made by a simple transfer, or assignment of one to the other, so that he that was creditor on the bank-books before, becomes debtor from the moment he has assigned any sum to another, who is wrote down as creditor in his room.

Although the bank of Amsterdam has no account of current cash open, like that of Venice, this does not hinder (notwithstanding its regulation) but that it sometimes makes payment in ready-money; and there are particular cashiers without the bank, who make the payments for an eighth *per cent.* that is, two stivers and a half for a hundred guilders.

This contravention is tolerated as beneficial to trade, so far as sometimes one is obliged to make a payment in effective money, more especially in retail affairs; and it is often that some persons are better pleased to have their cash ready for use elsewhere than in the public bank, either for negotiations or to pay bills of exchange, when their express tenor is to be paid out of the bank, that is, in ready or current money.

It is by this bank, that the city of Amsterdam is supported in so much splendor and magnificence, and without interrupting commerce, possesses the greatest part of the cash of its inhabitants, who are not less rich for having their fortune in the bank, as they may convert it into ready-money whenever they please, and again bring it into the bank when agreeable.

And to carry on this sort of business or exchange, an application need only be made to certain merchants, or particular cashiers, who are commonly to be met with between ten and eleven o'clock at the *Dam*, or before the town-house or bank, with whom the negotiation may be adjusted for an *agio*, which they endeavour to effect on the highest terms when they are sellers, and on the lowest they possibly can when they buy.

The difference between buying and selling, is ordinarily from a sixteenth, to an eighth *per cent.* and the *agio* varies from three to six *per cent.* sometimes more, at other times less, according to the difference in exchange, or the scarceness of the specie.

When a payment is made in *ducatoons*, or *rixdollars*, and not in a small kind of money, less is given for the *agio*, because the large coins are received at the bank.

These sorts of negotiations are likewise made at the *Bourse*, or at home between merchant and merchant, with

or without the intervention of brokers, who have one *per mil.* for their pains, paid equally between the buyer and seller.

To have an account opened for a person in the bank, he must pay ten guilders for once only.

The bank only receives ducats of gold, ducatoons, rixdollars, old Louis d'ores, and other such like species; and they have reduced the ducatoons to sixty stivers instead of sixty-three, as they passed in ready or current money, the rixdollar to be forty-eight from fifty, and other sorts of coins in proportion.

The bank never engages for the species it receives, but on the footing of five *per cent.* under their common value in current money, viz. the ducatoon at the value just now mentioned, which is the true original of the *agio*, and which consequently must be five *per cent.*

Ingots of gold, and bars of silver, are likewise deposited there, of which the price is regulated according to their value after the assay, which is made by the city assayer, and all sorts of matter and species of gold and silver are also deposited, and principally dollars, for which the bank gives its receipts, called *receipts of Mexican dollars*, and which are commonly negotiated at change.

Those who have cash in bank, may draw it out whenever they please, on paying a sixteenth *per cent.* for the care of it; and if at the time of taking it out, the *agio* should be under five *per cent.* the treasurer will pay the difference, so far as much as that when it was received, there was charged on it the five *per cent.*

The books of the bank are kept in guilders, stivers, and pennings, of which twenty stivers make a guilder, and sixteen pennings or deniers, a stiver.

Any one drawing on the bank more than he has there, incurs a penalty of three *per cent.* on the sum he overdraws.

The bank is shut up twice a year, viz. in January or February, and in July or August, and remains so eight, ten, or fifteen days, during which time the books are balancing.

It is shut up besides on the feasts of Easter, the Ascension, and Christmas, and on fast-days, and about the 22d of September, when the fair begins.

If the six days of grace, which are allowed on bills of exchange, happen to expire whilst the bank is shut, the bearer of them is in time to protest them, in case of non-payment, the second or third day after its opening.

When any one, who has an open account with the bank, happens to die, his heirs must prove, by a good title, the right they have to demand the passing the sums to their credit, which were due to the deceased.

Whenever any difference happens between merchants and tradesmen about the bank, it shall be summarily settled by the commissioners named for this purpose, by the magistracy of Amsterdam.

There are some certain days in the year, when the money may be disposed of the very moment it is brought in, which is often improved by vain or designing men, who without having a farthing property in that fund, get large sums credited on their account, though the debtor side cancels them immediately; yet by this game they either flatter their pride, or advance their credit, as the debit sponge is not seen by many.

The bank makes no negotiable bills, but (as before mentioned) gives receipts for effects deposited, which may be sold; for example, a person having a thousand Louis d'ores of the sun, (which are commonly worth from guild. 118 to 114 current money) and wanting ready cash, endeavours to sell his gold, for which he is only offered guild. 118, but resolving not to admit this low price, in hopes of a speedy rise, he carries them to the bank, which takes them on the footing of guild. 10 14 each, making guild. 10700 bank-money, of which he may dispose less half *per cent.* that he must allow for six months care of it, as customary; and if during that time, the *Louis* are in demand, he withdraws them, or sells his receipt, as he thinks proper: but if on the contrary they still keep low, though with an appearance of soon rising, he carries his receipt to the bank, where they debit his account in the proper office, guild. 53 10, for the half *per cent.* mentioned in the receipt, and on these terms he may prolong the deposit to the time it suits

fuits him to withdraw it, paying every six months the aforefaid fum; and this is the only cafe in which the bank gives receipts that are negociable; and if the aforefaid one is fold, the buyer before he can make ufe of its value, muft reftore to the bank the 10700 guild. advanced, and the half *per cent.*

No feizure can be made of money in the bank, and whenever a fum is to be entered, in which there is pen- nings, it is never wrote in with more nor lefs than 8; fo that if there be 7, 9, 10, 11, or 12, 8 only are in- ferted; but if there be above 12, then there is wrote in a fiver.

There were formerly only four book-keepers in the faid bank, and as many comptrollers, but fince, fome have been added, and every one in their turn, receive the notes that have been entered in the books, to diftri- bute to others according to their number; for example, the firft book contains four or five hundred leaves, and the four books only make an end of the year, and are put in the archives after balancing.

If a man wants to know what has been wrote in on his account, he muft go to the bank between feven and eight in the morning, and if he lets this time lapfe, he muft pay two fivers; and if he delays it till after nine, he muft pay fix fivers.

The officers of the bank are paid by the city, and all that is received for correcting accounts, retardation of hours, and forfeits, is for the poor, as the fractions of the fiver is for the comptrollers.

After opening the bank from the time of ballancing, all thofe who have open accounts, ought to make a note of what remains due to them, and therein they fhould mark the folio of the bank-book, in which their account is, how many fums they have got wrote (if any) fince the preceding account, their name and furname, and then ask the commissioners who have the page of their account, whether that remainder or balance agrees with the bank-books, which he tells them; and alfo whether the folio is continued or changed: if the fums difagree, he alfo informs them of it, and in this cafe, he muft make an extract of the bank account, as it ftands in your book, for to examine it, and fee from whence the error or difference of the fums proceed, for which verification twelve fivers are generally paid, a little more or lefs: the account being thus examined, they return it when asked for, and if they find it agree with that ftated in the bank-book, on finding the miftakes, they note them, and put at the foot of the faid account *feen*, or elfe, *agrees with the book-keepers*; and afterwards they put the name and furname of him to whom it belongs, with the exact balance, deducting one fiver for every fum, which he has had wrote to the credit of his new account, which he ought to note conformably in his own books. This verification is made twice a year, under penalty of twenty-five guilders mulft; and although it has not been poffible to examine the account which they have in bank, they may however at the opening it, get the fums wrote to the bearers of bills of exchange, and for merchandizes bought of the India companies, provided that it be entered fome part; and if they have got too much wrote, they will be fubjeft to the fine of three *per cent.* as afore- faid; but this privilege is only for that day; for in re- gard of other days, if you are fure that you have cafh wrote on to the credit of your account, it may be dif- pofed of the fame day, and wrote off to another and another.

When traders or merchants who have accounts with the bank, cannot go themfelves to have them examined as aforefaid, they may fend fome other in their room, with a power, made in the fame manner as is before directed, for thofe perfons carrying the notes to be wrote on.

When a perfon's bank-account is full, and the book- keepers are obliged to open another, from the time of his being advertifed thereof, he ought to take care to go to fee whether the articles agree, as he does at the open- ing of the bank.

The book-keepers fend daily to thofe who defire it, a note of the fums that have been wrote in to their credit, and for which they are paid fix, eight, or ten ducatoons *per annum* from each merchant or banker, who has this

advice given him, which is divlded among the faid book- keepers, after deducting the expence of a fervant they keep for this purpofe.

The bank obferves the following rules, which it is neceffary for thofe who keep cafh there to be ap- prized of.

1ft. No one can difpofe of his money paid in, till the next day, except he pays half *per cent.* upon the fum he de- fires to draw out the fame day; for example, if I have wrote in fix thousand guilders, and have a mind to draw out four thousand of them the fame day, my note will not pafs, neither then, the fubfequent day, nor after- wards, till I have paid twenty guilders for the faid half *per cent.*

2dly. There are, however, commonly three days in the year, as has been juft hinted before, on which the money may be difpofed of, that is brought in the fame day; viz. the fecond day after opening the bank, when it has been fhut for balancing; and at the feaft of Pen- tecoft.

3dly. If any more is difpofed of than is in bank, the penalty of three *per cent.* and the overdraft, muft be paid, before any note.

4thly. As the bank fhuts up twice a year, all who have accounts open muft balance with it in fix weeks after opening, on pcnalty of twenty-five guilders.

5th. When an account is once opened in the bank, whatever enters to its credit cofts nothing; and formerly only a fiver was charged for every fum that went out, or was paid to another; but as bufinefs was confiderably augmented in the year 1714, and occafioned a great number of clerks to be added to the bank, for the dif- patch of the notes brought in to be wrote, it was or- dained, that inftead of one fiver, two fhould be paid from the firft of February, 1715, which has continued ever fince, and is always charged the firft article in a new account.

When it happens, that through miftake or forgetful- nefs, a man writes off a fum to one he is not indebted to, inftead of to him he is owing to, although he im- mediately gives advice of the error, and that the fum is not yet entered in the bank-books, he cannot withdraw his note from the bank, by acknowledging he was miftaken, not even though he carries the perfon with him in whofe favour the note is wrote, to declare that the drawer does not owe him any thing; the book-keepers will fay that he muft, as it is wrote in the books, and that if he has made a miftake, the perfon in whofe favour the error was committed, has only to return it the next day, wrote in on the account. See here the article AGENTS, for the manner of their being appointed for proprietors of money in the bank of Amfterdam; alfo, the article AGIO, for its varia- tion in the bank of Amfterdam.

During the height of the war between France and the United Provinces, in the year 1672, many who had cafh in the bank were eager to withdraw it, believing, that if the French king, already mafter of Utrecht, fhould become fo of Amfterdam, they fhould lofe it all, and this money was refufed to none; but fome impatient ones, imagining that the funds would not be fufficient to pay fuch a great number of creditors, found people who falved or cured this imaginary ill, by giving them ready- money for four or five *per cent.* lofs, which occafioned the bank-money to become on a par with the current, and even under; but affairs were afterwards fettled in the manner as at prefent.

The bank's receiving none but the fineft coins, and thefe at about five *per cent.* under their current value, is the occafion of the *agio*, or more properly the *agio* itfelf; and this difference is readily to be found by *practice*, or the common rule of three.

BANK at Amfterdam for loans on goods. Ufury is ftrictly prohibited in all Chriftian countries, and in many, banks have been fet up, with funds to let out on pawns, for thofe whofe neceffities required fuch affiftance, and to prevent, by this means, the prevailing iniquitous practice of ufurers: of this number was our ill-conducted *charita- ble corporation* here, and that ftill fubfifting at Amfterdam, under the title of the Lombard (as being firft inftituted by thofe people) or bank for loans, which is a fpacious build- ing erected for a warehouse, in 1550, by the overfeers of the

the poor, who assigned it in 1614 to the city, for the purpose aforementioned; where every one who is in want of cash may have it, on any pawns he shall bring there, as none are refused, though never so vile or valuable, provided they are saleable; so that every thing will be received, from jewels of a great price, to the least particular of cloaths or furniture; and the interest on the loan is paid in the following manner, viz.

For what is under 100 guilders, a penning *per* guilder is paid weekly, which is after the rate of 16 1-4th *per cent. per annum.*

From 100 to 500, is paid an interest of 6 *per cent. per annum.*

From 500 to 3000, there is paid 5 *per cent. per annum.*

And from 3000 to 10000, or above, only 4 *per cent. per annum* is paid.

Whoever have brought in their effects, may retrieve them whenever they please, on returning the sum they have received, with the interest to the day of their taking them back; though with this exception, that as the interest is to be paid monthly, that of the month entered on must be satisfied; but to avoid this, the debtor must take care to free his goods exactly at the month's end.

If those who have brought in their pawns neglect to free them at the expiration of a year and six weeks, or that they do not enlarge the time of payment, by satisfying the interest of the past year, the *Lombard* sells them by auction, and reserves what they produce more than the sum lent (charges and interest deducted) at the disposition of the proprietors; but if they do not reclaim the said surplus in a year after, it is given to the poor's houses, and cannot then by any means be regained.

For the convenience of those who are desirous of being unknown, and therefore do not care to carry their effects themselves to the *Lombard*, there are several small offices established in the city, with this inscription before the door, *Hier gaatmen in de Bank van Leeninge*; that is, *Here they go to the Lombard or Bank.* The people established in these offices take an oath to the *Lombard*, and are obliged to carry in there daily the effects that are brought to them, under penalty of cassation and being mulct, the *Lombard* pays them eight stivers *per* every hundred guilders that it lends on the effects that they bring in: these people take care to carry the goods to the *Lombard*, where they pawn them in their own names, and deliver the money to him who brought them to them, with a note from the *Lombard*, that contains the name of the commissary, the quality of the things upon which the money is taken, and the sum advanced on it.

If this note happens to be lost, and the proprietor would reclaim his goods, and restore the sum borrowed, he is not believed on his bare word, nor will the effects be delivered to him, without his giving good security to return them, if it is found that the note has been made over to another, who comes afterwards to demand them; but if, on the note's being lost, any one finds it, or even if it is stole from the owner, and he that has found it, or stole it, carries it, and demands the effects, and pays the loan before the proprietor perceives that he has lost it, the *Lombard* always delivers them to the bearer, without inquiry whether he is the real proprietor or not; and the true one has forfeited the right he had to reclaim his effects from the bank.

The public sales in this house are made during three days in every week. All sorts of persons are admitted to the auction: and those which are known have three months credit, particularly for diamonds, and other jewels.

If it happens, as in effect it does very often, that the goods, merchandize, or jewels, brought to the bank, have been stole, and their owners have discovered it, they may reclaim them on proving the theft, and giving security for their value, and returning the sum that has been lent on them.

All the *Lombard's* officers are paid by the city, of which some are established to controul and value clothes or furniture, others upon merchandize, and others upon jewels and plate; for the reception of which, there are three warehouses, and the appraisers are answerable for the price in which they have valued the things that are

brought in; in case they are sold for less than the valuation, which they have put on them.

The sums that the *Lombard* have occasion for are drawn from the money-bank, and all the profit it produces is destined for the support of all, or the greatest part of the hospitals; by which method the bank's cash, which would otherwise lie useless, is of great benefit to the poor, without the public security being any thing concerned.

Of these *Lombards* there were some established formerly in many parts of the Low Countries, and one particularly at Bruges in Flanders, where money was lent on pawns without any interest at all; and in several cities of Italy, there were, and still are, several banks of charity, called *montes pietatis*, where cash is lent on pledges, for which only an interest of three or four *per cent. per annum* is required, to pay the salaries, &c. of the assistants, and whose funds have been settled by the charitable donations of many, who have contributed largely to the poor's relief in this shape; and these different ways and means have been thought of, and carried into execution, purely to prevent that execrable sin of usury, and alleviate what the indigent suffered from it.

BANK of Rotterdam. This bank is not so considerable as that of Amsterdam, but the difference in its government is very little. It was established the 18th of April, 1635, and keeps accounts with those merchants who chuse it, both in bank and current-money; the first to pay all foreign bills, which are in bank-money, and the second for the discharge of negociations made at Rotterdam on foreign parts, which are always in current money.

The bank daily regulates the *agio* on its cash, which is constantly fixed to a pillar of the bourse, that every one may know it; and as the rest of its regulations are similar to the bank of Amsterdam, we shall not detain our readers longer about it.

BANK of Hamburgh. Although the funds of this bank are not near so considerable as those of that of Amsterdam, the integrity and exactness with which every thing is managed has given it great reputation over all Europe, and more particularly in the North.

It is the citizens and corporation who are the sureties for this bank, in which the senate has no inspection, and the directors, being four in number, are chosen by plurality of votes from among the principal of the freemen.

Their duty is to see that the regulations be punctually observed, and to furnish the cashiers with money when any payments are to be made, which however is done without touching the treasure, the directors taking care to provide it from other funds.

In regard to the capital of this treasure, it is supposed to be very considerable; but as the book-keepers take an oath not to disclose the entries and extracts of the bank, nor what each particular deposits, it is very difficult to conclude any thing with certainty; and this obligation to secrecy hinders a creditor from knowing what any one has in the bank, so that no seizure can be made there.

The book-keepers, who, like the directors, are four in number, are obliged to give the comptrollers two balances weekly; and none but citizens are permitted to have an account in bank, and from such only it will receive any cash by way of deposit, without any interest; and it is by these notes on the bank that they have the convenience of paying their bills of exchange, and for the purchase of many sorts of merchandize, by only making a transfer of their value.

Nothing less than a hundred mark lubs can be wrote into bank, and two schillings are paid for every sum not exceeding three hundred marks, but whatever is above this may be wrote in *gratis*.

There are certain hours in the day appointed for writing into bank, viz. from seven to ten in the morning; but if any one has a mind to write in from ten to one, and from three to five in the afternoon, he may do it by paying two schillings for each sum; and it is also in the same morning hours, that a person may inform himself, whether the sums due to him have been entered, which he may also do from ten to one, on paying two schillings lubs to the book-keeper; to avoid which, there are many merchants who agree with the bank for a yearly stipend,

to have the liberty of writing into bank at any hour they please, from seven to one, which is commonly from 20 to 40 mark lubs, according to the extent of the merchant's business, and the quantity of affairs he has to transact.

When any one has a mind to open an account with the bank, he must pay 50 rix dollars of three marks, or 48 schillings lubs, each.

The bank is shut every year, from the last of December to the 15th of January following, and the species that are commonly received into it are rixdollars, with their parts of halves, quarters and eighths, which are generally worth an eighth, often a quarter, and even sometimes a half *per cent.* more than the money which is wrote by notes into bank; that is, if there is a want of rixdollars in specie, an eighth, quarter, and as far as a half, must be wrote into bank more than the money received; but on the contrary, if one has cash in specie to put in, the bank only makes good an eighth, and sometimes a quarter *per cent.* benefit.

The bank-books and writings are kept in marks, schillings, and deniers lubs; and it is to be observed, that the fractions are never wrote in under one schilling or six deniers.

Those who have effects in jewels, precious stones, silver, &c. and want to raise money on them, may carry them to the bank, where they are exactly inventoried, a loan is advanced at a very moderate interest, and they remain deposited as a security for the repayment of principal and interest in six months, which, if not complied with, the things are sold at the bar of the bank to the highest bidder, after having advertised the day of their sale and delivery.

BANK OF PARIS. The general bank established at Paris in 1716, and converted into the royal bank in 1718, so nearly resembles that of Amsterdam, in many of its obligations, and articles of its polity and government, that in all appearance it was upon the model of this, and that of Venice, that Mr Law, an Englishman, afterwards comptroller-general of the finances, formed it, after having, however, added many particulars of his own, to render its utility greater, and the better to secure both the public and private interest.

Mr. Law soon proposed giving it the name of the bank royal, that the funds should be the king's, and that it should be administered in his name, and under his authority.

The project of this new establishment having been examined by the council of the exchequer, where many bankers, merchants, and deputies of trading towns, residing in Paris, were called to assist it; it was approved, and its execution resolved on, tho' not under the king's name, nor with his majesty's money, but under that of Mr. Law and his partners, who were to supply the funds, and to take care of their administration.

The principal motives to the establishment of this new bank, were, that it would augment the circulation of cash; that it would make usury to cease; that it would supply the carriages with specie between Paris and the provinces; that it would facilitate to strangers the means of having their effects securely in the kingdom; and in fine, that it would afford the people a greater facility in the sale of their commodities and payment of their imposts.

The letters patent granted for the erection of the general bank, are of the 2d of May, 1716, and registered in parliament the 4th of the said month and year. They contain in ten articles, the conditions with which his majesty permits Mr. Law and company to make the establishment.

The 1st article of these letters, grants an exclusive privilege in favour of this company, to establish a general bank in the kingdom, and to have and enjoy it during the term of 20 years, to commence from the day of registering the patent, with permission to covenant, keep their books, and make their notes payable in specie, under the title of crowns of the bank, which shall be understood of crowns of the weight and denomination of the present currency, permitting likewise to every one, whether subjects or foreigners, who shall contract with the bank, to agree in the same manner.

The 2d article frees the bank of all taxes and imposts, and discharges the stock, and the sums in cash appertaining to foreigners from the duties *d'Aubaine*, confiscations, and letters of reprisal, even in case of war.

The 3d article regulates the form of the bank notes, upon the models annexed to the letters patent, and ordains, that they shall be signed by Mr Law, with one of his partners, and examined by the inspector.

The 4th article directs, that the bank's general chest shall be shut with three locks and keys, of which one shall be in Mr. Law's hands, another in the inspector's, and the third given to the director.

The 5th and 6th treat of the registers, and by whom they are to be marked, of the general office to be established at Paris, and of the hours for its opening and shutting daily.

The 7th article ordains, that no bank notes shall be issued but what are payable at sight.

The 8th prohibits, on pain of death, the making or counterfeiting the bank notes, seals, or stamps.

By the 9th, Monf. Philip, duke of Orleans, regent of France, is named protector of the bank, with power to exact an account whenever he thinks proper, to be rendered either to himself, or to those he shall appoint; and the nomination of inspector, approbation of the regulations, and the proposals for the management of the said bank, are likewise reserved to his highness.

In fine, the 10th and last article declare, that by the privilege granted to Mr. Law and company, his majesty does not intend to hinder in any manner the bankers of the realm to continue their commerce as usual.

At the end of these letters patent, are the following three models of the bank notes, *viz.*

No.	Ten crowns of specie.
<i>The bank promises to pay the bearer at sight, ten crowns of specie, of the weight and standard of this day, value received in Paris, the</i>	
	<i>of</i> 17

No.	An hundred crowns of specie.
<i>The bank promises to pay the bearer at sight, an hundred crowns of specie, of the weight and standard of this day, value received at Paris, the</i>	
	<i>of</i> 17

No.	A thousand crowns of specie.
<i>The bank promises to pay the bearer at sight, a thousand crowns of specie, of the weight and standard of this day, value received at Paris, the</i>	
	<i>of</i> 17

The general bank having been so established, in consequence of the letters patent, his majesty granted others on the 20th of the said month of May, 1716, registered in parliament the 23d following, to prescribe the form, conditions, and rules, which were to be observed in the management and administration of this new bank, in order that the proprietors and the public might equally find their security in it.

These letters, in form of regulations, contained 21 articles, of which we shall only insert here the principal ones.

The first fixes the funds of the bank to 2000 *actions*, or shares of 1000 bank crowns each, importing six millions ready money.

The fourth ordains, that the bank shall be every day open from nine to twelve, and from three to six, except on Sundays and solemn fasts, and the days appointed for balancing the bank-books.

The sixth directs, that in the general meetings of the company, which, in consequence of the 8th article, they are to have twice a year, on the 20th of June, and of December, at ten in the morning, all shall be decided by a plurality of votes, which shall be counted, *viz.* a vote for each proprietor who shall have five shares or more, but less than ten; two votes for those who have ten, and under fifteen shares, and so from five to five; those who have under five, not having any vote.

The seventh, regulates the balancing at the bank twice a year, the one in the month of June, and the other in the month of December, when the bank shall be shut five days, from the 15th to the 20th of both of the said months.

By the ninth, tenth, eleventh, twelfth, and thirteenth articles, the chest of the bank is divided into general and ordinary, the general (where the principal effects of the

bank are inclosed, as the considerable funds in ready money, the notes signed, examined, and sealed, as they go on making them, the returned ones effaced by the cashier, the sale of the bank, and the plates with which the said notes were imprinted) ought to be shut up with three locks and keys, of which one shall be kept by the director, another by the inspector, and the third by the treasurer, so that it cannot be opened but in presence of those three persons; and with regard to the ordinary chest, it shall be trusted to the treasurer, on condition, nevertheless, that funds put in and taken care of, shall not exceed 200,000 bank crowns, of which the particular cashiers shall not have above 20,000 crowns each at a time in their hands, and for which they shall give a sufficient security.

In the fourteenth article, the register for the sale and transfer of the stock is spoke of, in which the seller shall sign his sale and transfer.

The sixteenth and seventeenth permit the bank to take charge of the cash of particulars, as well in receiving as in disbursing, to make the transfer of the sums, or their payment in ready money, for five sols, for every thousand bank crowns; as likewise to discount notes, or bills of exchange, in the manner directed by the company.

By the eighteenth article, not to prejudice any particulars, merchants, bankers, or traders, the bank is prohibited to carry on any commerce in merchandize, either by sea or land, or in maritime insurances; neither is it permitted to take charge of the affairs of merchants, on commission, either from within or without the kingdom.

The nineteenth, which is one of the most important, ordains, that the bank shall not make bills payable at time, but that all shall be payable at sight, and that it shall not lend at interest, on any pretext, or in any manner whatsoever.

The two last articles are concerning its private government and discipline, as relating to visiting the chests, the election to places, the power of the council of the bank, to make particular regulations for its management and administration.

Two months after these last letters patent, the king gave yet a new regulation of the 25th of July, 1716, which ordained, that all the endorsements which should be put on the notes of the general bank, should not in the least oblige the indorsers, unless they had agreed the guarantee, in which case the guarantee should subsist only for the time mentioned in the indorsement.

The general bank beginning to be established, and its notes having already a considerable reputation both at home and abroad, the king, to advance its credit still more, by an arret of council of the 10th of April, 1717, ordained, that the bank notes should be received as ready money, in payment of all sorts of duties and imposts, in all the offices of his receipts, farms, and other revenues; and that all his officers, farmers, sub-farmers, receivers, commissioners, and others, chargeable with the management of his revenue, shall be obliged to discharge on sight, and without any discount, the said bank notes that shall be offered them, forbidding them to remit any part of the funds of their receipt, in bills of exchange, or by carriages, or to discharge any order for payments, if it is not exceeding what they have in cash, after having previously paid the said bank notes.

The bank was in this situation, when the king, informed of the great success it had at Paris, in the provinces, and even abroad, judged it more proper for the good of his kingdom, and the commerce of his subjects, and to give still more credit to the bank, to perfect the first design of establishing it, under the title of the bank royal, of which the funds were to be furnished by his majesty, and to be administered under his authority.

In this view his majesty published his declaration the 4th of December, 1718, where, after having represented the different advantages which the establishment of this bank had brought both to his subjects, and strangers, as, among others, the facility of conveying to Paris the royal treasure without expence, and without unfurnishing the provinces of their ready cash, and that private people have of establishing funds in all parts of the kingdom, and in foreign places; the diminution of usury, by means of the moderate interest for which the bank discounted bills of

exchange; the sums that are lent to the merchants and manufacturers; the regulation re-established in-trade, and in foreign exchanges, and other similar advantages caused by the general bank; his majesty declares, that it was resolved to continue it, under the title of the *royal bank*, and to have the direction of it for the future carried on in his name, and under his authority, having reimbursed the concerned their capital in effective money, and thereby being become the sole proprietor of all the shares of the said bank; and in fine, to explain his intentions as well in relation to the future management of the said bank, as the giving up its accounts, his majesty declared his intentions in the seventeen subsequent articles of regulation.

By the first article, his majesty converts the general bank, established by letters patent of the 2d and 20th of May, 1716, into a royal bank, the management to commence in his name, and under his authority, from the 1st of January, 1719, subject to the orders of Monseigneur the regent, who is the sole disposer.

By the second, for the funds of the bank, the six millions of livres remain as before, the said sum being actually in the chest of the general bank, in notes of shares of the West-India company, and appertaining to his majesty, for the reimbursement made with money to the proprietors of the bank.

The third establishes a director, subject to the orders of Monf. the duke of Orleans, and assigns an inspector, treasurer, and a comptroller, and such other officers as shall be judged necessary.

The fourth, regulates the functions of the treasurer, who shall receive all the funds brought to the bank, sign alone all the notes, which, however, shall be examined by the inspector, and controuled by the comptroller, make all the receipts and disbursements relating to the bank, and shall only account to the council, and to the chamber of accounts.

The fifth and sixth ordains, that all the notes that shall be made for the future, shall be sealed with a particular seal, bearing the arms of France, with these words, *bank royal*; that the impressions shall only be made in the office of the general cash, where the seal shall remain deposited, and the said cash shall be shut as before, with three keys, and not to be opened, but in presence of the director, inspector, and treasurer, who shall be the depositary.

By the seventh, eighth, and ninth articles, it is said, that there shall be four registers kept, three for the inspector, treasurer, and comptroller, for each one, for the registering the notes, and the fourth only for the treasurer, which shall contain the benefits and advantages arising from the discounts of the bills of exchange, and other operations of the bank, which shall be examined, at least, every week, by the inspector and comptroller, the which four registers shall be marked by a commissioner of the council, named by his majesty, to whom it shall likewise appertain, to make the visits, examen, and verification of the said registers, and of the cash, &c. The seventh article ordaining besides, that no notes shall be made, but in consequence of the arrets of council, in virtue of which the said notes may be made to the bearer's choice, either in crowns of the bank, or livres tournois.

The tenth article speaks of the salaries and charges of the administration, and appoints who shall direct them, who pay them, who shall be accountable, and to whom.

The eleventh, twelfth, thirteenth, fourteenth, and fifteenth articles, explain the manner in which shall be drawn up the verbal process of the effects of the late general bank, and by whom; the obligation of the inspectors, treasurers, and comptrollers, in regard of the extracts, deeds, and copies of their registers, which they are obliged to furnish yearly to the clerk, or registry of the chamber of accounts, of the true state on which the treasurer accounts yearly to the council, and afterwards to the said chamber of accounts, one year after another; of the 36,000 livres, settled for fees, fashions, and vacations of the said accounts; and in fine, how these accounts are drawn up, how many chapters there ought to be of receipts and payments, and what each chapter contains.

The sixteenth article, to establish better order, and put the bank in a condition to render to the concerned, the

the value of the notes which they have lost or torn, declares, that the notes of the bank shall be proscribed after five years from the date, in case no demand has been made on the treasurer, during that time.

In fine, his majesty having by the sixteenth article of the letters patent of the 20th of May, 1716, permitted the general bank to take charge of the cash of particulars, as well in receiving as paying, his said majesty approves and declares, by the seventeenth and last article, that the royal bank should enjoy the same faculty, but without any profit and without the concerned's paying the five sols *per* thousand crowns, which had been granted to the bank of Mr. Law; and his majesty also ordains, that the said accounts in bank cannot be seized, on any pretext whatsoever, even for his own concerns or money, unless in case of failure or bankruptcy, when he permits it on the terms of the first article of the eleventh title of the edict of March, 1673; or in case of decease, to arrest and seize in the hands of the bank, the funds, which bankrupts or defuncts may have discounted on the books, in which case of seizure, the bank shall only be obliged to notify it to the distrainers, in eight days from that of the seizure, at the place by them elected, and this by a simple declaration, signed by the treasurer, and revised by the inspector and comptroller, what is due to the persons upon whom the seizure has been made, the whole conformable to the twelfth article of the edict of the month of December, 1717, granted in favour of the West-India company: his majesty, moreover, confirming the letters patent of the 2d and 20th of May, 1716, and the declaration of the 25th of July following, ordaining, that they should be executed according to their tenor and form, in which nothing is derogated, or innovated by the present declaration.

There were various other alterations and regulations, too tedious here to be mentioned, made in this bank, and its imaginary funds were prodigious, till the arrest of the king's council of state, ordering a suppression of the bank-notes of the 10th of October, 1720: and, however serviceable the establishment of bank-accounts appeared at first, the success did not answer the expectations that had been conceived of it; on the contrary, it occasioned abundance of confusion in the interior and exterior commerce of the kingdom. The public put very little confidence in them, because of the impossibility of converting them into cash; and feared, that the said accounts should consequently be obliged for the payment of all sorts of debts.

These inconveniences having appeared greater than the advantages which were expected from it; and a short, but sure experience, having made it appear, that the French merchants would be with difficulty accustomed to this commerce of draughts, though so useful to their neighbours, his majesty, always attentive to the greatest ease and good of his subjects, found it proper to suppress the bank accounts by an arrest of the 26th of December, 1720, directing, at the same time, to the employs and uses to be made of the sums which had been brought in.

The execution of this arrest having given birth to a variety of disputes, about the payment of the agreements and transactions, made in bank-draughts, before their suppression; his majesty, to stop and prevent them, published a second arrest the 21st of January, 1721, by which, after having again confirmed the said suppression of the bank-accounts, it ordains among other things:

1st. That it shall not be futurely permitted to give the said draughts in payment even by mutual consent; his majesty declaring, nevertheless, that the offers made of them in court, or in a justiciary way, before the publication of the preceding arrest, should be valid. 2dly. That the notes of hand, and others, payable in old or new bank-draughts, should henceforward only be paid in specie. 3dly. That the valuation of the said draughts should be regulated, by regarding what the bank accounts shall lose, at the time of transacting the said bank-notes, and this in relation to the species of gold and silver of the then currency.

This arrest has yet some other dispositions, but less important, and, in fine, to terminate intirely the affair of bank-accounts, the king, by a third arrest of the 14th of February, 1721, confirms the employs of the said ac-

counts already indicated in the arrest of the 26th of December, 1720, viz. in annuities upon the aids and gabelles, in rents upon the tailles and other imposts, created by edict, of the preceding month of August, in the rental shares upon the India company, and prescribes more particularly, the form in which the said employs, and the certificates of the directors of the said bank-accounts, may be made.

BANK of England. This bank, though not supposed so rich as that of Amsterdam, is full as secure, and the transactions with it rendered much more easy to the merchants and traders, than they are in the other. It was established by charter from his majesty king William III. in consequence of an act of parliament, passed in 5 *Will. and Mary*, cap. 20. and continued by the several subsequent acts, viz.

Seft. 17. Every year, beginning from the 1st of June, 1694, the sum of 140,000 l. out of monies to arise by duties of tonnage, *since expired*, and by an excise on beer, &c. hereby granted (*being a moiety of the rates granted by 2 Will. and Mar. cap. 10. seft. 2.*) shall be a yearly fund for the annuities in the act mentioned, and for the purposes hereafter expressed, and any deficiencies to be supplied out of the unappropriated revenues.

Seft. 18. For raising 1,200,000 l. part of 1,500,000 l. granted by the act, the yearly sum of 140,000 l. shall be kept apart in the receipt of exchequer, and paid as in the act is directed.

Seft. 19. Their majesties, by commission under the great-seal, may appoint persons to take subscriptions on or before the first day of August, 1694, by any persons, natives, or foreigners, &c. for raising and paying into the receipt of the exchequer 1,200,000 l. part of the sum of 1,500,000 l. and the yearly sum of 100,000 l. part of the said yearly sum of 140,000 l. shall be applied to the use of such persons, as shall make such subscriptions and payments, in the proportion hereafter mentioned, viz. each weekly payment shall, by the auditor of the receipt, be divided into five-seventh parts, and two-seventh parts, which five-seventh parts are appropriated towards the payment of the said yearly sum of 100,000 l. and shall be paid to the contributors, raising the sum of 1,200,000 l.

Seft. 20. Their majesties by letters patent, may appoint in what manner the said sum of 1,200,000 l. and the said yearly sum of 100,000 l. or any part thereof, may be transferred to such persons as shall accept of the same, and incorporate such subscribers, to be one body corporate, by the name of *The Governor and Company of the Bank of England*, and they shall be capable to purchase and retain lands, &c.

Seft. 22. The commissioners of the treasury, &c. are required, without farther warrant, to direct their warrants yearly, for the payment of the said 100,000 l. to the contributors of the said 1,200,000 l. and the auditor of receipt of exchequer, and all other officers of the exchequer, are enjoined to issue the said monies without fee, and under the penalties inflicted upon any officer for diverting any money appropriated by this act.

Seft. 26. The corporation so to be made, shall not borrow under their common seal, any farther sum than 1,200,000 l. so that they shall not at any time, owe more, unless by act of parliament, upon funds agreed in parliament; and if any more shall be borrowed under the common seal, every member of the said corporation shall, in their private capacities be liable in proportion to their several shares, to the repayment of such monies, with interest; and in such case, an action of debt may be maintained in any of the courts of record at Westminster, by the creditors, to whom any such security, under the common seal of the corporation shall be made, against all, or any of the members of the corporation, in proportion to their shares, wherein judgment may be recovered, as if security were given in their private capacities, any agreement to the contrary notwithstanding.

Seft. 27. The corporation shall not trade, or suffer any person in trust for them to trade, with any of the effects of the corporation, in the buying or selling of any merchandize or goods; and every person so trading, or by whose order such trading shall be made, shall forfeit treble the value of the goods and merchandize traded for, to such

such person as will sue for the same in the courts of record at Westminster.

Señ. 28. But the corporation may deal in bills of exchange, and in buying or selling bullion gold or silver, or in selling goods mortgaged to them, and not redeemed within three months after the time, or such goods as shall be the produce of lands purchased by the corporation.

Señ. 29. All bills obligatory and upon credit, under the seal of the corporation, may, by endorsement thereon, under the hands of the proprietors, be assigned, and the assignee may sue in his own name.

Señ. 30. If the governor, or other members of the corporation to be established, shall, upon account of the corporation, purchase any lands or revenues belonging to the crown, or lend to their majesties, their heirs, or successors, any money by way of anticipation on any part of the revenue, other than such part only on which a credit of loan shall be granted by parliament, then the said governor or members so contending to lend, being thereof lawfully convicted, shall forfeit treble the value of such sum so lent; whereof one fifth part shall be to the informer, to be recovered in any court of record at Westminster, and the residue to be disposed of by parliament.

Señ. 31. Amerciaments, fines, and issues against the said corporation, upon account of any suits to be brought against them, shall not be pardoned; and if such be estreated into the exchequer, the officers of the exchequer, who are to pay the yearly sum of 100,000 l. may, out of that, detain so much as the said amerciaments, fines, or issues amount unto.

Señ. 32. If any person shall obtain a judgment against the corporation, and shall bring execution thereupon unto the officers of the exchequer, then the said officers are required to pay the sum in the execution mentioned, to the plaintiffs or their assigns; and the said officers may detain so much of the yearly sum of 100,000 l. as the debt shall amount unto.

Señ. 33. Any member of the house of commons may be a member of this corporation, notwithstanding *statute 5 and 6 Will. and Mar. cap. 7.*

By 8 and 9 *Will. III. cap. 20. señ. 20.* The present stock of the bank of England shall be enlarged by new subscriptions.

Señ. 21. Before such enlargement, the stock shall be computed by seven of the present members, and seven of the new subscribers; and if the clear stock amount not to 1,200,000 l. the old members are to make it up in tallies, orders, bank-bills, or notes; but if it exceed 1,200,000 l. then the surplus to be divided among the old members.

Señ. 22. Seven commissioners, appointed by his majesty for that purpose, shall take such new subscriptions before the 24th of June, 1697.

Señ. 23. Four-fifths of each subscription, shall be, at the time of subscribing, answered by tallies and orders, upon the first, third, or fourth aid of four shillings per pound, the quarterly poll, three-fourths of the customs, the salt act, two-thirds of the additional excise, the additional imposition, the stamp act, the three hundred thousand pounds *per annum* on tonnage and poundage, the duties on marriages, births, burials, &c. on wines, vinegar, and tobacco, &c. and joint-stocks, &c. on low wines, &c. on the six thousand pounds *per week* out of the excise, or the six hundred pounds *per week* out of the post office; and the other fifth part in bank bills or notes.

Señ. 24. After the 24th of June, 1697, interest of eight *per cent. per annum* shall be allowed for the tallies and orders so subscribed, out of the funds granted by this act, viz. *the tonnage and poundage; the duties on wine and vinegar, granted by stat. 1 Jac. II. cap. 3. The duties on tobacco and sugar, by 1 Jac. II. cap. 4. the additional impositions on goods and merchandizes, by 2 Will. and Mar. stat. 2. cap. 4. and 4. and 5 Will. and Mar. cap. 5. the stamp-act, 5 and 6 Will. and Mar. cap. 21. and the duty on houses by 7 and 8 Will. III. cap. 18.*

Señ. 25. The interest payable to the bank upon so many tallies or orders as the bank is already possessed of, whereof the principal shall be equal to the said fifth part subscribed in bank-bills or notes, shall be likewise augmented to eight *per cent.*

Señ. 26. The new subscribers shall, after the said 24th of June, be members of, and united to, the bank of England.

Señ. 28. During the continuance of this bank, no other bank, or fellowship in nature of a bank, shall be erected, or permitted by act of parliament.

Señ. 29. The interest due on tallies and orders, subscribed into the bank, shall be accepted as so much principal money.

Señ. 30. The bank may borrow by bills (over and above the one million two hundred thousand pounds, to which they were at first limited) any sum not exceeding the sum subscribed, under an obligation of paying the said bills in money upon demand; and in default thereof, on demand made at the bank between nine and twelve in the forenoon, and the default proved by affidavit in writing before one of the barons of the exchequer, the said bills to be paid at the exchequer, out of the first money due unto the bank, other than the fund of a hundred thousand pound *per annum*; but these bills shall be distinguished from the debts contained within the said one million two hundred thousand pounds, and expressed to be made by virtue of this act.

Señ. 31. The capital stock and fund of the said bank shall be exempt from taxes.

Señ. 32. After completing of the said subscriptions, the interest of all tallies and orders subscribed, together with the said hundred thousand pounds *per annum* shall be applied to the use of the members of the bank, proportionably to each member's share therein.

Señ. 33. The stock of the bank shall be accounted a personal, and not a real estate, and shall go to executors, and not to heirs.

Señ. 34. No contract or agreement, either by word or in writing, for buying or selling of bank-stock, shall be good in law or equity, unless it be registered in the books of the bank within seven days, and the stock be transferred within fourteen days.

Señ. 35. No act of the bank shall forfeit the stock thereof, but the same shall be subject to their debts.

Señ. 36. It shall be felony, without benefit of the clergy, to forge or counterfeit the common seal of the bank, or any sealed bank-bill, or any bank-note, or to alter or erase any such bills or notes.

Señ. 37. The officers of the exchequer shall keep account of all monies appropriated to the bank, either upon the fund of a hundred thousand pounds *per annum* or any other parliamentary funds, or for tallies belonging to the bank; and shall duly direct, record, and make payment thereof, under the penalty of loss of place, incapacity, and double damages.

Señ. 38. The monies arising by the continuation of the subsidy of tonnage and poundage, &c. of wines, vinegar, and tobacco, &c. by the additional impositions on goods and merchandizes; by stamped vellum, &c. by marriages, &c. and by the duties on houses, from the times that the said duties are severally continued as aforesaid, till the first of August, 1736; and by the surplus of the duties on wine, vinegar, and tobacco, &c. over and above the one million five hundred thousand pounds credit given thereupon, and the interest thereof arising by the act 7 and 8 *Will. III. cap. 10* continued till the 29th of September, 1701; and also on houses (after the repayment of seven thousand three hundred and eighty-two pounds, eleven shillings and four pence, borrowed thereon, by 7 and 8 *Will. III. cap. 18.* and the interest thereof; and of all the bills signed at the mints for the six-pence *per ounce* upon plate, brought in between the 4th of May, 1696, and the 4th of November, 1696) granted for seven years, from the 25th of March, 1696; and upon salt, &c. (after the repayment of one million seven hundred and twenty-four thousand pounds, borrowed thereon, and the interest thereof) arising by the act 7 and 8 *Will. III. cap. 31.* shall be the general fund for making good the particular funds in this act expressed, and shall be applied accordingly.

Señ. 41. The monies arising by the said general fund, after the 28th of June, 1698, as well by the said duties on houses, and additional impositions, as for the said duties on vellum, &c. continued from the 28th of June, 1698, to the first of August, 1706, and for tonnage and poundage,

poundage, &c. continued from the 25th of December, 1699, to the first of August, 1706, and for marriages, &c. and for wines, vinegar, tobacco, &c. continued from the 28th of September, 1701, to the 1st of August, 1706, and by the said surplus on wines, vinegar, and tobacco, &c. and on salt, &c. shall be applied towards principal and interest of the said first, third, and fourth aids of four shillings *per* pound; the quarterly poll; the three-fourths of the customs; the duties on salt, &c. the two-thirds of the additional excise; the additional impositions; the duties on vellum, &c. on marriages, &c. on wines, vinegar, and tobacco, &c. and the three hundred thousand pounds *per annum* out of tonnage and poundage, in proportion to the respective deficiencies, as computed in this act. And every twenty-eight days, an account shall be made up at the treasury, of all the monies brought in, applicable to the said deficient funds, which shall be applied proportionably, as well to the bank of England, as other persons entitled to principal and interest thereon.

Secl. 43. Out of the said general fund the interest due to the bank, shall be made up eight pounds *per cent*.

Secl. 44. Where any revenue is appropriated by parliament for repayments in course, the same shall be paid accordingly; but the new funds in this act shall be applied as hereby prescribed.

Secl. 45. In case of judgment of forfeiture given against the bank, the yearly payments out of the exchequer, and all the estate belonging to the bank, shall be vested for three years in twenty-four persons, to be chosen by the bank, who shall have power to receive the monies due to the bank, as if no such judgment had been given; and to pay and discharge the debts and contracts, due at the time of such judgment; after which the surplus shall be divided amongst the several members; and then the said yearly payments shall be vested in the particular members, in proportion to a list thereof, to be made up by the said trustees, and shall be assignable in a book to be kept by the auditor of the receipt.

Secl. 46. The bank may employ a clerk to copy the doquets of any extents, judgments, &c. in any of the offices of record at Westminster, paying as for a search only.

Secl. 47. No member of the bank shall be adjudged a bankrupt, by reason of his stock in the bank, nor shall the stock be subject to foreign attachment.

Secl. 48. The monies received out of the exchequer for the bank, shall be divided among the members proportionably, for their particular use.

Secl. 49. The debts of the bank shall never exceed their capital stock, under penalty of subjecting the several members, so far as their dividends received will extend, to satisfy the debts to any persons, who may recover the same with treble costs.

Secl. 50. If the said funds for interest shall appear insufficient, they shall be made up of such aids, &c. as shall be granted the then next session of parliament; and if upon the first of August, 1706, or within three months after, the produce of the several aids, &c. shall not be sufficient to discharge the principal and interest, intended to be discharged by this act, the same shall be supplied out of such aids, &c. as shall be granted the next session of parliament.

Secl. 52. In all future elections, not above two-thirds of the directors of the preceding year shall be chosen.

By 9 and 10 *Will.* III. c. 8. *f.* 4. the bank of England shall make dividends of the monies which shall be received by them, by virtue of the tallies and orders which have been subscribed into their stock, pursuant to the above act 8 and 9 *Will.* III. cap. 20. once in every six calendar months at least.

By 12 and 13 *Will.* III. c. 12. *f.* 14. the governor and company of the bank of England, until they shall be repaid all monies which they shall lend upon this act, for or in part of 420,000 l. being the last part of 820,000 l. authorised to be borrowed upon the weekly payment of 3700 l. out of certain branches of excise, with interest for such 420,000 l. after the rate of seven *per cent.* shall not be obliged to make dividends of the monies to be received by them, by virtue of any tallies or orders subscribed into their stock,

in pursuance of the above act 8 and 9 *Will.* III. cap. 20. but at such times only as shall be ordered by a general court.

By 6 *Ann.* c. 22. *f.* 9. during the continuance of the bank of England, it shall not be lawful for any other body corporate, or for other persons united in partnership, exceeding the number of six, in England, to borrow money on bills or notes payable at remand, or at less time than six months. *This clause is repeated in stat.* 7 *Ann.* cap. 7. *sect.* 61. and *stat.* 3 *Geo.* I. cap. 8. *sect.* 44. and therefore the said sections are omitted in the said acts here following.

By 7 *Ann.* c. 7. *f.* 1. reciting that by an act 5 *Will.* and *Mar.* cap. 20. the bank of England was erected, 1,200,000 l. was lent to their majesties, for which there is payable to the governor and company, the yearly sum of 100,000 l. out of the duties of excise, redeemable by parliament; reciting another act made 8 and 9 *Will.* III. cap. 20. for making good the deficiencies of several funds, and for enlarging the capital stock of the bank.

And another act made 5 *Ann.* cap. 13. for continuing the duties on houses, to secure a yearly fund for circulating exchequer-bills (now expired) reciting also that the governor and company did lately admit new subscriptions for doubling their stock of 2,201,171 l. 10 s. at the rate of 115 l. to be paid for every 100 l. subscribed; and that subscriptions have been made for that sum. *It is enacted,* that 2,201,171 l. 10 s. be added to the stock of the bank, which before such additions consisted only in the like sum; so that the whole capital stock now shall amount to 4,402,343 l. and new subscribers shall be incorporated with the present members of the bank, and be taken to be one body politic and corporate, by the name of *The governor and company of the bank of England.*

Secl. 2. The said capital stock shall be assignable in the same manner as the original capital stock.

Secl. 3. The bank is to pay into the exchequer 400,000 l. before the 25th of August, 1709.

Secl. 5. The bank of England thus enlarged, shall for ever be a body corporate, and enjoy the yearly fund of 100,000 l. out of the excise.

Secl. 62. The stock and funds of the bank, and the interest of every member therein, shall be exempted from taxes, and shall be deemed a personal estate, and shall go to executors and not to heirs, and shall not be liable to foreign attachment.

Secl. 63. The original fund of 100,000 l. *per annum* and all profits of the management of the corporation, shall be applied to the use of the members of the corporation ratably.

Secl. 65. It shall be lawful for the bank at any time to reduce their capital stock, encreased as aforesaid, by dividends; taking care that the total of their debts do not exceed the value of their capital: and in case the governor and company, by any dividend shall reduce their capital without proportionably reducing the total of the debts, so that the value of their capital shall not be sufficient to answer their debts; in such case, the particular members who shall receive such dividend shall be severally liable, so far as the shares by them received will extend, to pay the debts which shall remain due to any persons, who may sue for the same (besides treble costs) by action of debt or upon the case, &c.

Secl. 72. It shall be lawful for the said governor and company to call in any sums of money, which they in a general court shall think necessary, to be paid by their members proportionably, which shall have before been divided, out of the said capital of 4,402,343 l. and in case any member shall neglect to pay his share, at the times appointed, by notice in the London Gazette, and fixed up on the Royal Exchange, it shall be lawful for the governor and company to stop the dividends of such members, and also to stop the transfers of their shares, and to charge the defaulters with interest at six *per cent.* and in case the principal and interest be not paid in three months, they shall have power to sell the stock of such defaulters, to pay the same.

By 9 *Ann.* cap. c. 7. *f.* 11. every person who shall be elected governor, deputy-governor, or director of the bank of England, shall, during that year, be incapable

of being chosen a director for management of the affairs of the united company of merchants of England, trading to the East-Indies, and vice versa.

By 12 *Ann. stat.* 1. c. 11. f. 23. the bank shall continue a body corporate, and enjoy their yearly fund of 100,000*l.* subject to the following power of redemption.

Sett. 24. Upon twelve months notice, after the first of August, 1742, upon repayment by parliament to the bank of 1,600,000*l.* and all arrears of the said 100,000*l.* *per annum*, and of all the money owing to them upon tallies, exchequer-orders, or parliamentary funds (such funds, for redemption whereof other provision is made, excepted) the said yearly fund of 100,000*l.* shall cease.

Sett. 25. After such redemption the corporation shall cease.

Sett. 26. This shall be a public act.

By 12 *Ann. stat.* 2. c. 3. f. 10. it shall be lawful, as well for the bank as for any others, to lend money to the treasurers of the navy, &c. South-Sea stock, pursuant to the *stat.* 10 *Ann.* c. 19. f. 185.

By 3 *Geo.* 1. c. 8. f. 1. the governor and company of the bank of England, being willing to deliver up to be cancelled, as many exchequer-bills as amount to 2,000,000*l.* in principal money, and to accept an annuity of 100,000*l.* being five *per cent.* for the same, to commence from Christmas, 1717, redeemable upon one year's notice.

Sett. 5. The bank shall, before Christmas, 1717, deliver up as many exchequer-bills as shall amount to 2,000,000*l.* in principal money to be cancelled.

Sett. 6. After Christmas, 1717, the bank shall for ever have one annuity, of 100,000*l.* (being five *per cent.* computed on the said sum of 2,000,000) which yearly sum shall be paid out of the aggregate fund, and duties on houses, and shall be paid to the bank for ever, at the four usual feasts.

Sett. 7. Upon one year's notice to be given at Christmas, 1717, or at any quarterly feast after, and upon repayment to the bank of the 2,000,000*l.* and of all arrears of the said yearly sum of 100,000*l.* the said yearly sum shall cease.

Sett. 13. For the better payment of the annuity of 100,000*l.* standing orders shall be signed by the treasury.

Sett. 14. As the several duties chargeable with the payment of the said annuity shall be brought into the exchequer, such money shall be issued upon such orders, weekly or otherwise, towards discharging the several annuities thereon charged, to grow due at the end of the quarter of a year, so as such weekly payments exceed not the sums of the several quarterly payments, which shall grow due at the end of each quarter.

Sett. 16. The said annuity of 100,000*l.* shall be deemed personal estate; and the same, and the stocks which the bank now have, and those they shall be entitled unto by virtue of this act; and the sums payable to them in respect of any such stock, shall be free from all taxes, and not liable to foreign attachment.

Sett. 17. The said duties on houses, aggregate fund, and other duties, shall be continued to his majesty, his heirs, and successors for ever, and shall be raised, &c. by such methods, &c. as are prescribed by the respective acts now in force.

Sett. 18. The monies of the said duties, &c. which shall be brought into the exchequer for the purposes in this act (except the charges for raising, &c. the same) are appropriated for discharging the growing payment on the said annuity of 100,000*l.* which payments are to be satisfied without charge, but subject to redemption. And in case any officer of the exchequer shall misapply any of the monies, or shall not keep books, and do all other things by this act required, he shall forfeit his office, and be incapable to serve his majesty in any employment of trust or profit, and be liable to pay double the sum misapplied, with costs to the party grieved; to be recovered in any of the courts at Westminster.

Sett. 22. The annual sum of 100,000*l.* shall be preferred in payment before the yearly sum of 120,000*l.* to the civil list.

Sett. 23. After satisfying the payment aforesaid, the deficiencies on the original fund of 100,000*l.* *per annum*

payable to the bank out of five-seventh parts of certain duties of excise (see 5 and 6 *Will.* and *Mar.* c. 20. f. 19. *before recited*) shall be satisfied out of the monies by this act appropriated; after which the yearly sum of 4000*l.* shall be issued to the sheriffs.

Sett. 24. The surplus of the duties, &c. hereby appropriated at the end of any quarter, shall attend the disposition of parliament.

Sett. 25. In case the produce of the said duties, &c. shall be deficient, such deficiency shall be made good out of the produce of the said duties, &c. in any subsequent quarter.

Sett. 26. If such deficiency shall happen at the end of any year (reckoning each year to end at Michaelmas) such deficiency shall be made good out of the next aids to be granted in parliament.

Sett. 38. It shall be lawful for the bank, from time to time, as they shall see cause, to call for from their members, in proportion to their respective interests in the capital stock, any sums of money, as in a general court shall be judged necessary; and all executors, &c. shall be indemnified in paying the same; and if any member shall neglect to pay his share of the money so called for, at the time appointed, by notice in the London Gazette, and fixed upon the Royal Exchange, it shall be lawful for the bank not only to stop the dividend of such member, and to apply the same towards payment of the money so called for, but also to stop the transfers of the share of every such defaulter, and to charge him with an interest of five *per cent per annum* for the monies so by him omitted to be paid, till payment thereof; and if the principal and interest shall be three months unpaid, the bank shall have power to sell so much of such defaulter's stock, as will satisfy the same, rendering the overplus to the proprietors; and the bank may, in a general court, when they shall adjudge their affairs will admit thereof, cause any sum of money called in, to be divided amongst the then members, in proportion to their respective shares in the capital stock.

Sett. 39. The bank may borrow money on any contracts, &c. under their common seal, or upon credit of their capital stock, at such interest as they shall think fit, though it exceed the interest allowed by law, and give such security as shall be to the satisfaction of the lenders; and they may contract with any persons, upon such terms as they shall find necessary, for the better enabling them to perform such things as they are to do in pursuance of this act, and take subscriptions from such persons for that purpose; and such contract, &c. shall not be chargeable with stamp-duties.

Sett. 43. No member of the bank, for any thing in this act contained, shall be disabled from being a parliament man, or adjudged liable to be a bankrupt.

Sett. 45. The bank may in a general court make such addition to their capital stock (in regard of their undertaking to discharge exchequer-bills) as they shall think fit; and so much as shall be so declared, shall be deemed capital stock; and the members of the bank, who shall have a share in such stock, may transfer the same in method, &c. prescribed by any statute or charter now in force for assignments.

Sett. 49. The bank shall continue a corporation, and enjoy the said several annuities, till all the said annuities shall be redeemed, according to the provisos in this act.

Sett. 50. For encouragement of such persons as are willing to advance monies for paying off the principal sums amounting to 8,762,625*l.* upon the lottery acts of 9 and 10 *Ann.* for redeeming annuities on an act 12 and 13 *Will.* III. cap. 12. to patentees, out of the weekly sum of 3700*l.* out of the excise, for which the persons advancing the same, are to have annuities of five *per cent.* redeemable by parliament: it is enacted, that till the annuities of five *per cent.* shall be redeemed by parliament, the bank shall employ two persons within their office of London, one to be their chief cashier, the other their accomptant-general; and the monies coming into the exchequer for the payment of such annuities, shall be paid quarterly to the said cashier, by way of imprest, and on account, and the accomptant-general shall inspect the receipts and payments of the cashier, and the vouchers

vouchers relating thereto; and all the monies to be advanced for such annuities shall be one capital or joint-stock, on which the said annuities shall be attending; and all persons, in proportion to the monies they shall advance, shall have a share in such stock, and in the annuity attending the same; and such shares shall be transferable and devisable as is prescribed by the act 1 Geo. I. cap. 19. and no stamp-duties shall be chargeable on such transfers: and the bank (notwithstanding the redemption of any of their own funds or annuities) shall continue a corporation, relating to the receiving, &c. the annuities last mentioned, till the same be redeemed by parliament; and no fees shall be taken for paying the said annuities, or for such transfers. Nevertheless the treasury may allow out of the monies to be imprested as aforesaid salaries to the cashier and accountant general.

Secl. 51. Transfers of bank stock shall not hereafter be made liable to any higher duties than are now payable for the same.

Secl. 53. The bank may, under their common seal, assign the said annuities of 100,000*l.* or any part thereof, and also such annuities of five *per cent. per ann.* to any persons whatsoever, and so *toties quoties*; which assignment shall not be subject to any tax, so as an entry be made of such assignments in the office of the auditor of the receipt.

Secl. 54. Nothing in this act shall hinder the making good any deficiency in the yearly fund of 116,573*l.* 12*s.* mentioned in the act 1 Geo. I. cap. 2.

Secl. 55. Any vote of the house of commons signified by their speaker in writing, and delivered at the office of the bank, shall be deemed a sufficient notice within this act.

By 11 Geo. I. cap. 9. *f. 1.* the governor and company of the bank of England having agreed, that from the feast day of St John Baptist, 1727, their annuity of 100,000*l.* upon the sum of 2,000,000*l.* (*see 3 Geo. I. cap. 8. f. 6. before recited*) shall be reduced to four *per cent.* it is enacted, that after the nativity of St John Baptist, 1727, the said annuity shall cease, and the governor and company of the bank (subject to the proviso of redemption in this act contained) shall have in lieu thereof, one annuity of 80,000*l.* which shall be payable out of the duties on houses, and the aggregate fund; and shall be paid to the said governor and company, and their successors for ever, from Midsummer, 1727, at the four usual feasts, in such manner and on such conditions, as in the former act 3 Geo. I. cap. 8. in relation to the said annuity of 100,000*l.*

Secl. 2. On repayment by parliament to the bank of England, of the principal sum of 2,000,000*l.* and of all arrears of the said annuity, the annuity shall cease.

Secl. 3. If at any time payment be made of any sum (not less than 500,000*l.*) in part for the principal sum, and of all arrears; then so much of the said annuity as shall bear proportion to the monies so paid in part of the principal shall cease.

Secl. 4. The annuity shall be deemed personal estate; and the same, and the stock which the said company now have, or may be entitled unto, by virtue of this act; and all the principal sums and annuities payable to the company in respect of any such stock, shall be free from taxes, and shall not be liable to foreign attachments.

Secl. 5. The former acts, and all the powers, &c. therein contained (such alterations as are made by this act excepted) shall continue to be used, &c. and the governor and company of the bank of England, shall continue a corporation, and shall enjoy these annuities till they shall be redeemed, &c.

Secl. 6. If any person shall alter, forge, or counterfeit any bank bill, or bank note, made for payment of money, by, or for the said governor and company, or any bank note, or shall erase any such bill or note, or any indorsement thereupon, or shall tender in payment, utter, &c. any such altered, forged, or counterfeited bill or note, or any erased or altered bill or note, or the indorsement thereupon, &c. (knowing such bill or note, or indorsement, to be altered, forged, counterfeited, or erased) and with intention to defraud the said governor and company, or any other person; every such person shall be adjudged a felon.

By 1 Geo. II. stat. 2. cap. 8. *f. 1.* the governor and

company of the bank of England having agreed to pay into the exchequer 1,750,000*l.* for the purchase of an annuity of 70,000*l.* subject to redemption; it is enacted, that every year after the first day of St John Baptist, 1728, a yearly fund of 70,000*l.* being four *per cent.* for the sum of 1,750,000*l.* shall be payable in manner herein expressed, for the satisfying the annuities to be purchased in pursuance of this act, till redemption thereof by parliament.

Secl. 2. The said yearly fund of 70,000*l.* shall be payable out of the monies, which after the said feast of St John Baptist, 1728, shall arise into the exchequer for the duties on coals and culm, granted by 9 *ann.* cap. 22. continued by 5 Geo. I. cap. 9. and made perpetual by 6 Geo. I. cap. 4.

Secl. 3. The governor and company of the bank of England shall advance into the receipt of his majesty's exchequer, the sum of 1,750,000*l.* by the 24th of July, 1728.

Secl. 5. On payment by the bank, of the said sum of 1,750,000*l.* in manner aforesaid, the governor and company, and their successors and assigns, shall be intitled to receive at the receipt of the exchequer, out of the said yearly fund, one annuity of 70,000*l.* to commence from the 24th of June, 1728, and to be paid by half yearly payments, at Christmas and Midsummer, till redemption thereof by parliament, and the said annuity of 70,000*l.* shall be free from taxes.

Secl. 6. An order shall be signed by the treasury for payment of the said annuity, and the same shall not be determined by the death or removal of any of the commissioners of the treasury, &c.

Secl. 7. As the money of the said duties shall be brought into the exchequer, the same shall be issued upon the said orders towards discharging the said annuity, to grow due at the end of the half year in which such payment shall be made; so as such payment do not exceed the half yearly payment which should grow due.

Secl. 8. The said annuity shall be a personal, and not a real estate, and shall not be liable to foreign attachment.

Secl. 9. If after the 24th of June, 1728, the produce of the said imposition on coals and culm shall be deficient, as that the monies arising therefrom shall not be sufficient to discharge the half year's annuity then due, then the deficiency of such half year shall be supplied out of the overplus monies of the said duties arising in any subsequent half year; and if at any time after the 25th of December, 1728, such produce shall be so deficient, at the end of any one year (computing the same to begin at Christmas yearly) as that the same shall not be sufficient to discharge the whole year's annuity then due, every such yearly deficiency shall be made good out of the first supplies which shall be granted in parliament; and if no such supplies shall be granted within six months, then the same shall be made good out of any monies which shall be in the receipt of the exchequer of the *sinking fund*, except such monies of that fund as are appropriated to particular uses.

Secl. 10. Whatever monies shall be so used out of the sinking fund, shall be replaced out of the first supplies to be granted in parliament.

Secl. 11. If there should be any surplus monies arising by the said duties at the end of any year (computing the same to end at Christmas yearly) after the said annuity of 70,000*l.* and all arrears thereof are satisfied, &c. such surplus shall be reserved for the disposition of parliament.

Secl. 12. Upon repayment by parliament to the bank of England, of the said 1,750,000*l.* and of all arrears, the said annuity shall cease; and after such redemption, the monies arising by the said duties shall not be applied but as shall be directed by future acts of parliament.

Secl. 13. If at any time after the 25th of December, 1729, payment be made to the bank, of any sum (not less than 500,000*l.*) in part of the principal sum, at which the annuity is redeemable, and also of all arrears of the said annuity, then so much of the annuity as shall bear proportion to the monies so paid in, shall cease.

Secl. 14. The bank shall continue a corporation till the redemption of the whole annuity of 70,000*l.*

Secl. 15. All former powers granted to the bank for assigning any annuities or capital stock, formerly purchased

fed by them, and now belonging to them, shall be revived; and the governor and company are empowered to transfer the said annuity of 70,000*l.* as they shall think proper; subject, nevertheless, to redemption by parliament, and without power to enlarge their capital stock out of the same.

By 2 *Geo.* II. cap. 3. *f. 1.* after reciting the act of 12 *Ann.* sess. 2. cap. 9. *for laying additional duties on soap and paper, and on certain linens, silks, calicoes, and stuffs, and upon starch, and exported coals, and upon stamped vellum, parchment, and paper, &c.* and that the governor and company of the bank of England have agreed to pay into the exchequer 1,250,000*l.* for the purchase of an annuity of 50,000*l.* subject to redemption by parliament, to be charged on the surplus monies to arise from the said additional duties; *it is enacted*, that yearly, from the feast of St. John Baptist, 1729, a yearly fund of 50,000*l.* being after the rate of four *per cent.* for the sum of 1,250,000*l.* be settled for satisfying the annuities to be purchased in pursuance of this act, till redemption thereof by parliament.

Señ. 2. The yearly sum of 50,000*l.* shall be payable out of the overplus monies of the said additional duties, which shall remain after satisfying, &c. so much as shall be due to the South-Sea company, on their annuity and additional allowance for charges of management, granted by the act 6 *Geo.* I. cap. 4. and the treasury shall quarterly, in every year, after the feast of St. John Baptist, 1729, at the four usual feasts, or within six days after, cause the overplus monies of the said additional duties to be computed, and applied towards making good the said yearly sum of 50,000*l.* without diverting any of the monies which by the said act 6 *Geo.* I. cap. 4. ought to be reserved for satisfying the said annuity to the South-Sea company.

Señ. 3. The governor and company of the bank of England, shall pay into the exchequer, 1,250,000*l.* before the 6th of October, 1729.

Señ. 5. On payment of the said 1,250,000*l.* the company shall be entitled to one annuity of 50,000*l.* from the 24th of June, 1729, to be paid by quarterly payments, till redemption thereof by parliament; and the said annuity of 50,000*l.* shall be free from taxes.

Señ. 6. Orders shall be signed by the treasury for payment of the said annuity, &c. as *per* 1 *Geo.* II. stat. 2. cap. 8. *f. 6.*

Señ. 7. The said annuity shall be a personal estate, and shall not be liable to foreign attachment.

Señ. 8. If the overplus monies of the said additional duties shall be deficient, &c. the deficiency shall be supplied, as in the preceding act of 1 *Geo.* II. stat. 2. cap. 8. *f. 9, 10, and 11.*

Señ. 11. Upon repayment by parliament to the bank of England, of the sum of 1,250,000*l.* and of all arrears of the said annuity of 50,000*l.* the said annuity shall cease, and the monies arising by the surpluses of the said additional duties shall not be issued, or applied to any other use, but as shall be directed by future acts of parliament.

Señ. 12. If payment be made to the bank, of any sums (not being less than 500,000*l.* at a time) in part of the said principal sum; and if payment be then also made of all arrears of the said annuity; then so much thereof as shall bear proportion to the monies so paid in part of the said principal sum, shall cease.

Señ. 13. The bank shall continue a corporation till redemption of the said annuity of 50,000*l.*

Señ. 14. The bank may assign the said annuity of 50,000*l.* or any part thereof, but subject to such redemption by parliament.

Señ. 16. Out of the sinking fund there shall be paid to the bank, 500,000*l.* for redeeming a proportionable part of the annuity of 80,000*l.* granted to them by stat. 11. *Geo.* I. cap. 9.

By 11 *Geo.* II. cap. 27. *f. 16.* at the feast of St. Michael, 1738, there shall be issued to the governor and company of the bank of England, the sum of 1,000,000*l.* out of any of the aids granted in this session of parliament, for redeeming the annuity of 40,000*l.* part of the annuity of 60,000*l.* in further part of the principal sum of 2,000,000*l.* being the amount of exchequer bills, delivered up by the bank, according to the directions of the act, 3. *Geo.* I.

cap. 8. and in respect whereof, an annuity of 80,000*l.* was payable to the bank by act 11 *Geo.* I. cap. 9. and of which an annuity of 20,000*l.* was redeemed by payment of 500,000*l.* pursuant to the act 2 *Geo.* II. cap. 3.

By 15 *Geo.* II. from page 527, to page 539, reciting the several acts of 7 and 12 *Ann.* made concerning the bank, which continued the governor and company an incorporation till 1742, subject, however, to powers of redemption, as therein mentioned.

And the time of the said two former acts being expired, the company, by this act, are engaged to supply the government with the farther sum of 1,600,000*l.* before December 25, 1742, at different payments, as demanded by the treasury, each payment not to be more than 400,000*l.* and at a month's notice.

The said sums to bear an interest of three *per cent.* till August 1, 1743, and on any default the said company may be sued in any of his majesty's courts at Westminster, and shall forfeit twelve *per cent.* damages, and full costs, for which their stocks and funds shall be liable.

The several provisos contained in the recited acts of 7 and 12 *Ann.* and all provisos in any other acts, for determining the said fund of 100,000*l.* *per ann.* are hereby repealed; and the said company, and their successors shall continue to enjoy the said entire yearly fund, to be paid out of the duties of excise, with perpetual succession, and privilege of exclusive banking, and all other abilities, &c. granted them by any act of parliament, grants, or charters; subject nevertheless to such restrictions, and other agreements, as are prescribed by any acts and charters now in force; as also to the power of redemption, as in this act is hereafter contained.

At any time, twelve months after August 1, 1764, on repayment of all monies lent by the bank, with interest, &c. the said yearly fund of 100,000*l.* shall determine.

No other bank shall be allowed by parliament; nor shall any body politic or corporate, or other persons whatever, united in partnership, above the number of six, throughout England, borrow or take up any sums of money on their note, payable for less time than six months, during the continuance of such privilege to the governor and company, who are hereby declared to be a corporation, with privilege of exclusive banking, subject to redemption on a year's notice, after August 1, 1764, and repayment of the several sums lent with interest, viz. 3,200,000*l.* and all arrears of the 100,000*l.* *per annum* and all principal and interest owing them on all tallies, exchequer-orders, exchequer-bills, or parliamentary funds (except such funds as are otherwise provided for) which the governor and company, or their successors, shall have remaining in their hands, or be entitled to at the time of such notice given, as aforesaid.

The governor and company may enlarge their capital with any farther sum, not exceeding 1,600,000*l.* additional stock, and may take in subscriptions from such persons, and at such times, as they shall think proper; and all such subscribers, whether natives or foreigners, having paid the money subscribed for, shall be united to, and incorporated with, the said governor and company, and adjudged to be one body politic and corporate, by the name of the governor and company of the bank of England; subject to the same regulations, and intitled to the same privileges and advantages with the present members of the said corporation.

The capital stock increased as aforesaid, shall be assignable and transferable in the same manner as the original capital stock was, before the making this act; and, together with the produce, shall be free from all manner of taxes, charges, and impositions whatever; and the transfers of the additional stock shall not be chargeable with any other stamps or duties, than were used in transferring the former stock.

No person concerned in the stock of this company, whether as governor, deputy-governor, director, manager, or member, shall be disabled from serving as a member of parliament, or be liable to any penalty, or disability, prescribed by any acts of parliament, for not qualifying themselves to execute any trust with respect to affairs of this corporation, as persons who execute any office or place of profit or trust, are liable to, by any law, now in force,

force, or liable to be a bankrupt, within the meaning of any statutes of bankruptcy.

It is the true intent and meaning of this act, that the governor and company, and their successors, shall enjoy the said annuity of 100,000 l. in respect of their original capital stock of 1,600,000 l. till August 1, 1743, besides the interest of the 1,600,000 l. to be advanced as aforesaid, which interest the said governor and company are to receive back by way of discount.

Any vote or resolution of the house of commons, signified by the speaker in writing, and delivered at the public office of the said governor and company, and their successors, shall be deemed a sufficient notice within the meaning of this act.

Any persons who shall forge, counterfeit, or alter, any bank-note, bill of exchange, dividend warrant, or any bond or obligation under the common seal, or any indorsement thereon; or shall offer or dispose of the same, or demand any money, pretended to be due thereon, of the said company, or any of their officers or servants, knowing such note, &c. to be forged, &c. with an intent to defraud the said company, or their successors, or any other persons whatever; the offenders, being duly convicted, shall be deemed guilty of felony, and suffer death as a felon, without benefit of clergy.

If any officer, or servant of the company, being intrusted with any note, &c. belonging to the company, shall embezzle any such note, &c. the offender, being duly convicted, shall be deemed guilty of felony, and shall suffer death without benefit of clergy.

By the charter, it is ordained, that there shall be for ever, of the members of the company, a governor, deputy-governor, and twenty-four directors; which said governor, deputy-governor, and directors, or any thirteen, or more (the governor or deputy-governor to be always one) shall be a court of directors, for managing affairs of the corporation; but this limitation by the unavoidable absence, or otherwise, of the governor and deputy-governor, may be of great hindrance to the business of the corporation; it is therefore enacted, that whenever a court of directors is met, if the governor and deputy shall be absent for the space of two hours, after the usual time of proceeding to business, the directors then met (being not less than thirteen) may chuse a chairman by majority, and proceed to business, and all acts done by them shall be as valid, as if the governor or deputy had been present.

This act shall be deemed a public act, and judicially taken notice of as such, by all judges, &c. without specially pleading the same.

By 19 Geo. II. from page 155, to page 166, the preamble recites an act passed in 16 Geo. II. intituled, *An Act for repealing the several Rates and Duties upon Victuallers, &c. and for transferring the Exchequer-bills unsatisfied thereupon, to the Duties for Licences to sell spirituous Liquors, and strong Waters by Retail, &c.* Whereby it was enacted, that from the twenty-fourth of June, 1743, the several duties imposed by an act of 12 Geo. I. upon all victuallers, and retailers of beer, within the city of London and Westminster, and the weekly bills of mortality, should thenceforth cease; and that, after the said twenty-fourth of June, 1743, the principal sum of 481,400 l. in exchequer-bills (part of the sum of 500,000 l. advanced to his majesty's exchequer by the bank of England, upon credit of the said duties, at three per cent. per ann. interest) made forth in pursuance of the said act of 12 Geo. I. which then remained unsatisfied, with the interest thereon, and the charges of circulating the same, should be transferred from the duties then charged therewith, and be charged (together with the sum of 518,600 l. to be raised by the before-recited act of 16 Geo. II. towards the supply for 1743) upon the duties payable to his majesty by another act of the said 16 Geo. II. intituled, *An Act for repealing certain Duties upon spirituous Liquors, &c.* and in pursuance of the first-recited act of 16 Geo. II. the said sum of 481,400 l. in exchequer-bills, as also the said farther sum of 518,600 l. were charged upon the said duties, arising by licences, at an interest of three per cent. per annum. And whereas the bank is willing that the said sum of 986,800 l. in exchequer-bills, remaining unsatisfied, on the aforesaid duties, may

be cancelled and discharged, and in lieu thereof, to accept of an annuity of 39,472 l. (being the interest on the said sum at four per cent.) to be charged on the same securities; and also are willing to advance unto his majesty's exchequer, towards the supply granted for the service of the year 1746, the sum of 1,000,000, upon the credit of the duties arising by the malt and land-tax for 1746, at four per cent. per annum for exchequer-bills to be issued for that purpose; provided they may have a power to create and dispose of the said sum of 986,800 l. of bank-stock (to be joined and incorporated with their present capital) in such manner, and at such times, as they shall think proper; with such farther powers, privileges, and advantages, as have usually been granted by former acts on that occasion. The parliament thinking it will be of advantage to the public, to accept the said proposal of the bank, have enacted, that the bank of England by the 25th of March, 1746, shall deliver up unto persons nominated by the treasury, all the said exchequer-bills charged upon the duties aforesaid, amounting to 986,800 l. to be discharged and cancelled as the treasury shall think fit, without issuing again the same, or any of them.

All the interest due on the said exchequer-bills to be delivered up to be cancelled, with the charges of circulating the same, shall be paid off.

In lieu of the said sum of 986,800 l. in exchequer bills to be delivered up to be cancelled, the bank, from the 25th of March, 1746, shall receive from the exchequer, an annuity of 39,472 l. being four per cent. interest on the said sum of 986,800 l. until redemption thereof by parliament.

The said annuity shall be paid from time to time, with preference to all other payments whatsoever, out of the monies that shall arise into the exchequer, from the duties for licences to sell spirituous liquors and strong waters by retail, in pursuance of the act of 16 Geo. II.

The said annuity shall be paid at four quarterly payments, viz. on the feasts of St. John Baptist, St. Michael, Christmas-day, and Lady-day; the first payment to be made on St. John's-day, 1746; subject nevertheless to redemption, as provided for by this act; and the said annuity of 39,472 l. shall be free from all taxes and charges.

For the better and more regular payment of the said annuity, orders shall be signed by the treasury for the payment thereof, which shall be valid in law; and shall not be determinable by the death or removal of any of the commissioners of the treasury, or determination of their power and offices, nor shall the treasury revoke or countermand any orders so signed.

And for the more speedy payment of the said annuity, it is enacted, that weekly, or otherwise, as the monies arising by the said duties shall be paid into the exchequer, the same shall be issued upon the orders for discharging the quarterly annuity, so as such weekly payments do not exceed the sum which shall be due at the end of every quarter.

The said annuity shall be adjudged to be a personal, and not a real estate, and shall not be liable to any foreign attachment.

If at any time after the 25th of March, 1746, the produce of the duties arising by licences aforesaid, at the end of any quarter shall be insufficient to pay the quarter's annuity, in every such case, the deficiency shall be supplied out of the overplus monies of the said duties, which shall be in any subsequent quarter, and if at the end of any one year (computing the same to end at Lady-day yearly) the produce shall not be sufficient to pay off the whole year's annuity then due, the deficiency shall be made good out of the first supplies; and if no supplies be granted within six months after, then to be paid out of the *sinking fund* (such monies therein excepted, as by former acts are appropriated to other uses.)

Whatever money shall be issued out of the *sinking fund*, shall be replaced out of the first supplies granted by parliament.

Upon repayment by parliament to the bank, of the said principal sum of 986,800 l. in full without deduction, &c. and of all arrears of the said yearly sum of 39,472 l. then, and not till then, the said annuity shall cease, and be accounted redeemed; and after such redemption,

demption, the monies arising from the said duties for licences, shall be applied as any future act shall direct.

If at any time after the 25th of March, 1746, payment be made to the bank of any sums not less than one moiety of the said 986,800 l. at one time, and also of all the arrears of the annuity, then so much of the annuity as shall bear proportion to the monies paid in part of the whole principal sum, shall cease, and be understood to be redeemed.

The company of the bank may admit, and take in by sale, call, or subscription (or by such other methods as they shall judge proper) from such persons, upon such terms, and at such times, as they shall approve, for enlarging their present capital to a sum not exceeding the further sum of 986,800 l. additional stock (over and above what they are empowered to create, by any former act in that behalf) and from time to time, in a general court (and from such times as they shall direct) to order the same, or any part thereof, to be added to the present capital of the bank; from which time such monies shall be deemed as part of the said capital stock, and shall be proportionably enlarged thereby; and all persons on whose account any monies shall be paid in, as directed, towards the said sum, they, their executors, administrators, and assigns, shall be deemed members of, and incorporated with the company; and shall with the other members of the corporation, be taken to be one body politic and corporate, by the name of *the governor and company of the bank of England*, subject to the same rules, and enjoying the same privileges, with the present members of the corporation; and all executors, administrators, guardians, and trustees, shall be indemnified in making payments upon such calls, &c. as aforesaid.

The capital of the bank so increased shall be transferable, in the same manner as the original stock was before this act; and together with the produce thereof shall be free from all taxes, &c. whatsoever; and the transfers and assignments of stock in the company's books, shall be liable to no higher stamp, or other duties, than are now payable for the same.

The company of the bank, and their successors, shall continue a corporation, and enjoy all the privileges, &c. belonging thereto, until the complete redemption of the said annuity of 39,472 l. in as full manner as the same are specified in an act of 15 Geo. II. intitled, *An act for establishing an Agreement with the Governor and Company of the Bank of England, for advancing the Sum of one Million, six hundred thousand Pounds, &c.* or in any other act relating to the said corporation.

The bank shall advance to the exchequer, towards the supply for the service of the year 1746, 1,000,000 l. upon the credit of the duties arising from the land-tax and malt-act, for the said year, to be paid at such times, and in such proportions, as the treasury shall direct; so that they be obliged to pay no more than 250,000 l. at any time, nor without fourteen days notice before each payment.

Upon payment of the said million, or any part thereof, by the bank, the treasury shall make out exchequer-bills for the same, payable out of the duties granted by the said two acts, together with an interest of four *per cent. per annum* until repayment of the principal aforesaid; and the said bills shall be subject to the rules prescribed in the last-recited acts which relate to exchequer-bills thereby authorized to be made forth.

In case the bank shall make failure in any of the said payments, appointed by this act to be made into the exchequer, at or before the times limited in that behalf, the same shall be recovered to his majesty's use by action of debt, or on the case, &c. in any of the courts of Westminster, &c. in which suit, &c. the governor and company of the bank of England may be declared indebted to his majesty, the monies of which they shall have made default in payment, &c. which shall be sufficient; and upon such action, &c. there shall be further recovered damages after the rate of ten *per cent.* for the monies so unpaid, besides full costs of suit.

By the 23d George II. a million was granted his majesty, to be raised by annuities at three *per cent. per annum*, and charged on the *sinking fund*, transferable at the bank of England, where, among other things, it is enacted,

That the governor and company of the bank of England (notwithstanding the redemption of all or any of their own funds) shall continue a corporation, &c. till the annuity to be purchased under this act, shall be redeemed by parliament; and they, or any members thereof, shall not incur any disability by reason of their doing any matter or thing in pursuance of this act, &c.

By *stat. 24 Geo. II. cap. 4.* the bank of England is enabled to hold general courts and courts of directors in the manner therein mentioned.

By *stat. 25 Geo. II. c. 27. s. 1.* the several sums therein mentioned, amounting to 8,200,000 l. carrying an interest after the rate of 3 l. *per cent. per annum*, shall, after the 24th of June, 1752, and before the 5th of January, 1753, be converted into one joint stock of annuities, transferable at the bank of England, in the same manner and form, as the said several and respective annuities are now transferred, until redemption thereof by parliament.

The preceding acts are all that have been passed relative to the bank, since its first establishment, and as they let our readers into an account of its stock, we shall now only describe the method of all mercantile transactions there.

And, first, whoever has a mind to keep cash with the bank, must give a specimen of his firm, in a book kept for this purpose, and apply to the first clerk of these accounts (commonly called the drawing accounts) who will give him a book, wherein his account is opened, which book he takes away with him, and for which it is customary to give half a crown; the person will likewise receive a parcel of checks (of whose numbers an account is taken by him that delivers them out) on which he is to draw on the bank as he shall have occasion.

In the books (which are of several sizes) different columns are adapted for the entry of cash, *paid* and *received*, and also for the entry of bills deposited till due, when they become cash to be passed forward, which is done the first time the book is carried to the bank, after they are received.

Whenever you have any cash to pay in, you carry it to the bank, with your book, in which you have credit immediately given for it; and, on the contrary, when you want to pay, you draw the sum on one of your checks, in the following manner.

To the cashiers of the bank of England. April 21, 1766.

Pay to Mr. A. B. or bearer, on demand, two hundred pounds, ten shillings, and two pence; for account of C. D.

£ 200 : 10 : 2.

Which is immediately complied with, and debited your account in the bank-books; and whenever you are desirous of having your account examined, you carry your book, and leave it for a day or two in the accountant's office; and on your taking it again, you will find every draught you have made entered, and your checks returned you, cancelled: and no money will be paid, either to yourself or your order, without such a draught, or what is called, a *write off*, which are printed slips of paper, with blanks left for the sums wanted, and are always lying, with pens and ink, at a desk in the great hall, for every one to make use of at pleasure, and when filled up are as follow:

April 21, 1766.

Write off from my bank-book, one hundred and fifty-seven pounds, ten shillings, and six-pence.

£ 157 : 10 : 6.

S. T.

Which you give to any one of the clerks sitting on the left hand going into the hall for that purpose, with your book, and he debits you the sum therein desired, and gives you money or notes for it, which you please; reserving the write-off as a voucher. See the article ADVICES, how to be given the bank for payment of bills, and what those drawn on by commission must give.

The

The bank will discount bills for any sum, if the holders and accepters are to the directors satisfaction; the foreign ones after the rate of four, and inland at five *per cent. per annum*, and in order to get this transaction effected, you must describe the bills on a slip of paper, with yours and the acceptor's names, and deliver it, with the bills, to a clerk, who attends for this purpose in the same office where the checks are delivered, and he carries it to the committee, who either accept or reject the proposal, without assigning any reason for their behaviour; if the former, the money is immediately paid you by the proper clerk, with a deduction of the discount.

The bank will receive by way of deposit, from any person keeping cash with them, bullion, foreign specie, jewels, or any such effects that are not bulky, and take care of them till called for; but they will give no receipt with them, nor otherwise oblige themselves to be answerable for their safety; as they charge nothing for their clerks attendance, either at their receipt or delivery, nor for the deposit: but they are sealed up, and ticketed with the name of their owners, &c. who may receive them in the same form they were delivered whenever they think proper.

No body is obliged to pay a personal attendance for any transaction with the bank, but may send another with their book for entries, &c. as most merchants do their clerks; and all possible dispatch is given to every one in their turn. See the article *ADVANCEMENTS of money, on what things the bank will make them.*

The business of this corporation was for many years carried on at Grocers-hall in the Poultry (though the first subscription was taken in at the Mercers in Cheapside, whilst the other was getting ready) till they erected the spacious pile they at present occupy, in Threadneedle-street, now made more conspicuous by opening the streets, &c. to it, in consequence of a late act of parliament. Here offices are appropriated for every branch of their employment; their cash, notes, and every thing of value, are preserved in the subterraneous vaults, to guard them from fire, and the whole house secured by very strong substantial fastenings, guarded by several watchmen stationed nightly, in different parts of it.

The corporation is under the management of a governor, deputy-governor, and twenty-four directors; of which latter, three attend from ten o'clock till twelve (Sundays and holidays excepted) for fourteen days together, and are then succeeded by the like number for the same term, till the whole have taken their rotation; and Thursday, being their court-day, the governor, deputy, and all the directors meet, except such as be out of town, or are hindered by sickness, as they are very punctual and exact in their attendance on the business of the corporation; for which the governor has 200, the deputy 200, and each of the directors 150 *l. per annum*. They are chosen yearly by a general court, out of the principal proprietors of bank-stock, and are always gentlemen of large fortunes, but more respected and esteemed for their strict adherence to integrity and honour.

The qualification of the governor is 4000 *l.* of the deputy-governor 3000 *l.* and for the director 2000 *l.* bank-stock, and that a person may be privileged to vote at their election he must have 500 *l.* of the said stock.

And from the preceding account of the bank's establishment and direction, it will readily be seen how much easier affairs are transacted here than in any one of those above-mentioned abroad: in ours, no fines are extorted, no personal attendance required, nor any delays occasioned by shutting up, or non-attendance in an afternoon, as the bank of England is never shut but three days in a year (Sundays excepted) and transacts business from nine in the morning to five at night, when that of the day ends, as to the receipt and payment of money, though the clerks have still about half or three-quarters of an hour's employ to balance the transactions of the day, which, after the aforesaid hours, they immediately apply themselves to perform. Here is no obligation laid on any one to pay in bank-money, or to be satisfied with bank-notes; but every one is at liberty to insist on payment, in the current coin of the kingdom: yet, as the former are the readiest payment, and a few minutes may convert them into cash, it is commonly preferred, especially for any large sum; so that our bank, compared with the most celebrated,

and best of the foreign ones, must in every shape be preferred by the mercantile part of mankind, as well as by those gentlemen whose large personal estates would make them at a loss sometimes for a place of security, if there was no bank subsisting to serve them. And if the comparison with the best abroad places ours in so advantageous a light, what shall we say when we reflect on the shocking consequences of that erected a few years since in France, where the fatal effects are felt to this very day? How ought every Englishman to thank Providence for his lot, who made him native of a country secured by the most wholesome laws, under the government of the best of kings, and where every individual enjoys his property unmolested! How ought we to eulogize and praise our gracious benefactor, for placing us in a state of freedom and ease, whilst our immediate neighbours are galled with the yoke of an almost Egyptian bondage, where nothing can secure them from the strokes of a tyrannical and despotic government, which too often appropriates the subjects fortune to be squandered away in ambitious designs, and schemes for aggrandizing the prince, tho' to the utter ruin of his vassals. This was the apparent intent of the Parisian bank, which sunk when the design of its institution was answered, by bringing all the coin of the kingdom into the king's coffers, and then reducing the greatest part of their paper currency to less value than it bore when it came out of the stationers shops.

BANKER. This is an ancient employ, as there was a species of it among the Romans, though very different in the exercise of the calling from what the practice is at present: they were in that famous empire deemed public officers, who, as one may say, united the offices of exchangers, brokers, commissioners, and notaries all in one; negotiating exchanges, undertaking trusts, intervening in purchases and sales, and dextrously managing all the necessary acts and writings of so many different functions.

The *bankers* of the present times differ very widely from the above description, as those in foreign parts do even now from the English. In France, Holland, &c. they may more properly be termed remitters, as the principal part of their business consists in the negotiating exchanges. Monsr. Savary calls them merchants, traders, or dealers in money, who make contracts, and remittances thereof, and confine themselves to such transactions only. We have also some gentlemen of great fortune, who act on the same footing here in England; but when we speak of an English banker, he is always to be understood as one acting in a different character and manner from those last mentioned; as these limit their traffic to what may properly be called *banking*; their dealings being similar to the banks, and their advantages arising from the same negotiations, only in a more limited degree; for their shops are the depositories or receptacles of their customers money, which is paid in and drawn out by the proprietors (as in the bank) at their pleasure; and the *bankers* will also discount bills, and advance money on such securities as the bank does, from which their business differs in nothing, though they have no public stock as the bank has; but the advantages arising from their negotiations are their own.

The transactions in the offices both of the bank and bankers are a great ease and security to people in trade, who may safely deposit their current cash, and call for it when they please.

Bankers are generally gentlemen of large estates and property, and tho' some have unhappily failed, it is an uncommon catastrophe, the business being certainly as lucrative as it is genteel.

The denomination was in England first given to some monied goldsmiths, in the reign of king Charles II. as will appear by the following paragraph, in an act of parliament made the 22d and 23d of that prince's reign, *viz.* "Whereas several persons being goldsmiths, and others, by taking up or borrowing great sums of money, and lending out the same again for extraordinary hire and profit, have gained and acquired to themselves the reputation and name of *bankers*, &c." and their business, as has already been said, is copied from the banks in all parts, tho' with very considerable additions and improvements.

Bankers' or goldsmiths' notes are not to be accounted cash till

till received. As for example, A draws a note upon a goldsmith, and sends his servant to receive the money, and to invest it in exchequer bills; the servant gets B to give him money for the note, with which he purchased the exchequer bills ordered, and two days afterwards the goldsmith failed; it was adjudged that A must answer the money to B, as the property of the note was not transferred to B, there being no indorsement; and he could not have sued upon it, it being only in the nature of a pledge or security to him.

BANKRUPT and BANRUPTCY. Could trade be always carried on with the credit which is necessary to support it, and with that success which every one hopes for by adventuring in it, it would be the most pleasant as well as the most beneficial employ that any one could undertake; but as we are all subject to the uncertain fluctuating state of humanity, our serenity will sometimes be interrupted, and our calms and sunshine be obscured and ruffled by the clouds and tempests of adversity, as well in this as in all other employs of life, and the smooth paths of business will often become rugged and strewed with thorny troubles, to the utter change of the pleasing scene, by introducing inevitable losses and misfortunes, instead of the advantages we flattered ourselves with the hopes of reaping from our commercial engagements. Thus the best laid scheme may be overfet by some intervening occurrence, and a trifling accident frequently demonstrates the weakness of our judgment, and the shallowness of our designs; tho' whilst we submit our actions to the directions of prudence, and suffer our steps to be guided by her, we may justly be said to act like reasonable men; and however Providence, for our punishment, may dispose otherwise, we certainly take the best and likeliest method of securing to ourselves that success and prosperity which we are soliciting; and in order to guard against their reverse, we need only consider the causes which naturally drive men to split on that rock, where so many thousands have been wrecked; so that, that man may be pronounced happy who has been made wifer by the misfortunes of others.

M. Savary says in his *Parfait Negotiant*, that the failures of merchants oftener proceed from *ignorance*, *imprudence*, and *ambition*, than from *malice* and *design*; and we are entirely of his opinion, more especially in this kingdom; for whoever reflects on the consequences of cheating and deceit under a statute of bankruptcy here, we should think would avoid it with the utmost care; as he not only exposes himself to the penal laws, but can never expect to be cleared by his creditors (tho' he should not be convicted under the former) and consequently is rendered incapable of making any thing his own for the future; but as we hope none of our readers are or will be of this number, we shall direct our advice to those on whom perhaps it may prevail, and endeavour to guide them from running on the abovementioned shoals, by persuading them to aim at the dissipation of the fogs of *ignorance* by the sunshine of learning; to correct *imprudence*, and to banish *vain-glory* or *ambition*.

The first may be done by a strict application to business, whilst under the tuition of a merchant in an apprenticeship; or if this has been neglected, and our reader comes into trade without such usual form and instruction, we confide this work will supply the deficiency, not only by teaching every one how to act in the branch of commerce he has elected, but by displaying to him a general trade, that he may have all the variety possible to chuse out of. *Reason*, if engaged and used, will be too hard for *imprudence*; and *ambition*, we should think, would be checked by displaying the fatal consequences of it, and by these means, a failure proceeding from all or any of the abovementioned causes may be prevented; though still there remains one, from which no foresight or care can defend us, we mean the immediate dispositions of providence (whereas the above are but secondary) to which we ought cheerfully to submit with a perfect resignation, and never murmur nor repine at any of his dispensations, in a full assurance that he will afford support and comfort under the affliction, to every one who sincerely trusts in him, and, when he sees convenient, give a happy release from it. It is true these are hard lessons to mankind, and rendered more irksome by the barbarous treatment the un-

happy too commonly meet with; for though it is natural to imagine, that a man who has been truly honest in all his dealings, and seemingly been esteemed for his integrity, should on a reverse of fortune meet with that pity and kind usage he has shown to others under similar distresses; but experience convinces us that this is rarely the case: on the contrary, it is generally found that though friends may seem many and staunch in the time of prosperity, yet on a change of circumstances they will drop off like blasted fruit, quite forgetful of favours shown to, and kindnesses done them, and at the time you become bankrupt in your fortune, you will certainly find them so in affection and returns of gratitude; favours seem no longer regarded than you are in a capacity to continue them, and obligations are thrust among the number of the non-entities, or at least are become such unfashionable things, as only to be owned by the very few conscientious and benevolent.

Acts of beneficence are not to be expected from creditors, whose losses generally sour their tempers, and keep their resentment warm against the unhappy occasion of them, even to the extinction sometimes of humanity. But one should think that the lamentations of a fallen familiar and intimate, frequently heightened by the tears of a tender wife, and affecting cries of their innocent babes, would be prevailing objects to excite compassion from those who have always experienced a courteous and gentle treatment from the unhappy sufferers; but philanthropy is almost lost among us, and mankind are grown so degenerate, as to become insensible of the distresses of others, much less to defend them from or administer relief under them; the unfortunate man is now equally shunned with the infected one, and the best usage he finds is slights from almost every individual of his *quondam* acquaintance; whilst the *worst* is swelled to an immoderate height by insults offered him, contumelies and reproaches thrown out against him, and abuses, invectives, and unmerited aspersions are frequently added to compleat the catalogue, and augment his miseries; few regard him, fewer still care for him, and the *paucity* of those who protect or assist him, are reduced to the lowest degree of comparison. This is generally the case with those whom fortune has prostrated and laid low; though there is still a remnant of men among us, who are actuated by every tender sentiment of humanity, and as opportunities offer, exercise every social virtue, whose compassion at least is extended to all afflicted objects, and their charity stretched to the utmost limits that prudence and discretion can warrant; they remain uninfluenced by the example of their neighbours, and continue fixt and immoveable in the principles of goodness and benevolence; but these guardian angels are scarce, and even when found can, at best, only alleviate, and in some degree mitigate and take off the sharp edge of affliction, tho' they cannot restore lost credit and reputation: this only is to be done by the man himself, and the sole means is the making all the satisfaction to his creditors that his abilities will permit, either at present or in future, till his whole debts are discharged; for so long as any part of these remain unpaid, that obligation subsists. Honesty, and a just reflection on things, will teach a very instructive lesson; and as the miseries subsequent to, and attendant on a failure, are extensive, it is natural to suppose the bare description will render every persuasive superfluous, for avoiding the causes of such great unhappiness; so we shall conclude this introduction with our best and sincerest wishes, that none of our readers may ever experience it, by adding one to the number of the unfortunate.

BANKRUPTCY in England. The derivation of the word *bankrupt* has been given under the article of *bank*; and tho' according to our laws such insolvents are generally esteemed crafty, fraudulent, deceitful, and extravagant sorts of persons; yet experience convinces the unjustness of this assertion; and that many unhappily fall into this dilemma through the badness of trade, or some inevitable accident, without bringing it on themselves either by extravagance or knavery; and as this is a topic of universal consequence, and in which property is greatly concerned, we shall give a transcript of the acts now in force, and of the best reports and pleadings we can collect about it; and shall in the first place shew,

What persons may or may not be bankrupts.

Any person using the trade of merchandize by way of bargaining in gros or retail, exchange, rechange, bartery, cheifance, or otherwise, 13 *Eliz.* cap. 7. Or, seeking his trade and living by buying and selling, being a natural born subject, or, an alien, or being a denizen, 21. *Jac.* I. cap. 19. Or, bankers, brokers, and factors, may be bankrupts, 5 *Geo.* II. c. 30. f. 39.

An inn-keeper, as such can be no bankrupt; nor one victualling the fleet, though he sells the overplus to merchants, 5 *Geo.* II. c. 30. f. 39. *Skinner* 276. 291. 3. *Mod.* 327, 328. A mere buying and selling brings not a man within the statute, but it is intended of such who gain the greatest part of their living thereby. Having a share in a ship; being a farmer; or keeping a boarding-school, makes not a bankrupt; buying only, or selling only, makes not a bankrupt, but buying in England and selling in Ireland does, 1 *Show.* 96, 268. 3. *Lev.* 309. *Mich.* 1 *W.* and *M.* in *B. R.* The case of Sir Thomas Littleton, Mr. Papillon, and al.

John Ashley went from England in 1720, and resided in Barbadoes till 1735, where he was a factor and a planter, and traded to England, by sending goods from his plantation, and receiving goods back again bought in England, and he disposed of goods sent from England in Barbadoes, for merchants in England in 1737; and committing an act of bankruptcy, a commission issued, and upon a question, Whether he was within the statutes of bankruptcy, upon the authority of Bird and Sedwick (where a gentleman of the temple going to Lisbon, turning factor, trading to England and breaking) was adjudged a bankrupt, 1 *Vern.* 687. *Raym.* 375. 1 *Syd.* 411. per *Hardw. Chan.* *Mich.* 1737. 1 *Sal.* 110.

Where a man buys and sells under a particular restraint, as a commissioner of the navy, or a farmer, he is not a feller within the statute.

Sir Anthony Bateman had been a great merchant, and was mayor of London, but had left off trade fifteen years; the court held he could not be a bankrupt upon a debt contracted after; but the jury found him so upon such debt, and a new trial was refused, *Cro. Car.* 549. S. C.

If a trader contracts debts and leaves off his trade, he is still liable to be a bankrupt for those debts, but not for those he shall contract afterwards, 1. *Vent.* 29. S. C. 166.

If a man, whilst a trader, owes a debt of 100 l. to A, and leaving off his trade borrows another 100 l. of the same person, and then pays him one of the 100 l. without mentioning whether in satisfaction of the former or the latter debt, yet it shall be applied to the former, and the creditor shall never charge him with a commission of bankruptcy for that which remains. Resolved per *Holt.* *Camb.* 463.

A farmer, as such, cannot be bankrupt; but if he deals in buying and selling potatoes, wool, &c. as a trader in those commodities, he may be a bankrupt. *Cro. Car.* 549.

No person who shall adventure any money in the East-India company or Guinea company, or any joint stocks of money by them raised for carrying on the trade by the East-India company or Guinea company to be managed; or who shall adventure any money in any stocks for managing the fishing trade, called the royal fishing trade; nor any member of the bank of England, on account of his stock; nor persons having shares in the London, or Royal Exchange insurance companies, shall be bankrupts in respect thereof, 13 and 14 cases, c. 24. f. 3. 6 *Geo.* I. c. 18. f. 10.

No farmer, grafter, or drover of cattle, or any receiver general of taxes granted by act of parliament, shall be deemed a bankrupt, 5 *Geo.* II. c. 30. f. 40.

Those persons who live on their manual labour only, as husbandmen, labourers, bare handicrafts-men, &c. are not within the statutes; but such as buy wares, and convert them into saleable commodities, and so get their living by buying and selling, may be bankrupts; as a shoemaker, who buys leather and sells it in shoes; an ironmonger, buying iron, and causing it to be wrought into wares; a nailer, locksmith, &c. *March Rep.* 37. *Cro. Car.* 31.

A carpenter in London has been adjudged a bankrupt, but not as a working carpenter. *Chapman a Lampshire.*

A clothier that buys wool, and has it made up in cloth, or works it into cloth himself, may become a bankrupt; but a taylor who makes garments only, as a servant to his customers, cannot be a bankrupt, though a salefman may. *Crimp's Case.*

It is held, that a vintner, brewer, baker, weaver, dyer, tanner, &c. may be bankrupts.

An action of the case will lie, for faying, of a merchant, mercer, grocer, shoemaker, dyer, weaver, corn-master, or baker in London, a milliner, or any other tradesman that gets his living by buying and selling, that he is a bankrupt. *Noy* 158. 4 *Rep.* 19. 1 *Roll. Abr.* 61.

What makes a man a bankrupt.

1st. To depart the realm, or
2d. To begin to keep house, or otherwise. 13 *Eliz.* cap. 11.

3d. To absent himself. 1 *Jac.* I. cap. 15.

4th. To take sanctuary.

5th. To suffer himself wilfully to be arrested, for any debt or thing not grown due, or for a just consideration.

6th. To suffer himself to be outlawed.

7th. To yield himself to prison; and

8th. To depart from his dwelling-house to the intent or purpose to defraud or hinder a just creditor or creditors of his or their just debts or duty.

9th. Willingly or fraudulently to procure himself to be arrested, or his goods, money, or chattels, to be attached or sequestered. 1 *Jac.* I. cap. 15.

10. To make any fraudulent grant or conveyance of his lands, tenements, goods or chattels, to the intent or whereby his creditors may be defeated or delayed for the recovery of their just debts. 21 *Jac.* I. cap. 15.

11th. Being arrested for debt, shall after his arrest lie in prison two months upon that or any other arrest or detention for debt. These lunar months. 21 *Jac.* I. cap. 19.

12th. Obtaining privilege, except of parliament.

13th. Being arrested for a hundred pounds or more, of just debt or debts, and escaping out of prison.

14th. If a man conceals himself in his house but a day, or an hour, to delay or defraud his creditors, it makes him a bankrupt. *Palm.* 325.

If a man commits a plain act of bankruptcy, as keeping house, &c. though he after goes abroad, and is a great dealer, yet that will not purge the first act of bankruptcy; but if the act was not plain, but doubtful, then going abroad, and trading, will be an evidence to explain the intent of the first act; for if it was not done to defraud creditors, and keep out of the way, it will not be within the statute. 1 *Sal.* 110. *Hopkins a Ellis*, on an issue directed.

If after a plain act of bankruptcy committed, he pay off, or compounds with all his creditors, he is become a new man.

Lying in prison makes a man bankrupt from the first arrest, that is, from the time of the first arrest, upon which he lies in prison, and not where he puts in sufficient bail, for that might be infinitely prejudicial and mischievous, and no man would ever safely pay or receive from a tradesman. *Sal.* 109. *Came a Coleman.* Adjudged in *B. R.* and confirmed in *Exc. cap.* *Sal.* 110.

The last resolution is contradicted by that in *Smith and Stracy*, where it is held by *Holt*, that if a defendant renders in discharge of his bail, and lies two months, he is a bankrupt from the first arrest, and not from the render only, but the commission being taken out before the two months were expired, it was held ill taken out. 2 *Show.* 519.

The lying in prison two lunar months makes a man bankrupt from the first arrest, and although the commission was taken out before the two months were expired, yet he appearing afterwards to be a bankrupt by a relation to a time before the taking out the commission, it was held sufficient. *Hope a Gill*, adjudged by Lord *Raym.* at *Guildhall*, *Mich.* 5 *Geo.* II.

Acts of bankruptcy must be in *fraudem creditorum*, as if a man be outlawed it must in *fraudem creditorum*. 1 *Keb.* 11. *Bradford's Case.*

A fraudulent deed, made long before any other act of bankruptcy committed, shall not be deemed an act of bankruptcy. *Hutt. 42, 43. Cartwright a Underhill*, though darkly reported.

If after a commission is issued, the bankrupt should pay, or satisfy, or secure the petitioning creditor his debt, such payment, satisfaction, or security, shall be an act of bankruptcy, and the first commission shall be superseded, and a new one granted. *5 Geo. II. c. 30. s. 24. 21 Jac. I. c. 19. s. 1.* But these sort of bills will not now lie, and therefore are disused.

To prefer a bill or petition to the king or any of his courts, to compel the creditors to compound, or give farther time, is an act of bankruptcy.

In respect to attachments and sequestrations, they must be of the party's immediate procuring, and not by his meer *default* or *laches* to make him a bankrupt within the *stat. 1 Jac. I. cap. 15.* And what sales and conveyances made by persons, shall be deemed fraudulent within this statute to make them bankrupts may be considered two ways, viz.

1. Either such as are long before a person becomes a bankrupt, &c. or,

2. Such as are made some short time before; for what is done after the time of bankruptcy is totally void. *Gooding 30, 31.*

If a trader, finding himself in a sinking condition with respect to his fortune, makes a conveyance of all his lands and goods to trustees, for the payment of his real debts, and then absconds; this conveyance, though it may be truly and honestly intended, shall not excuse him, for his very absenting makes him a bankrupt; but if he does not abscond, and declares his intention to pay his debts, and the trustees act accordingly, paying proportionably as far as it will go; such a conveyance without other act, shall not make him a bankrupt, as here is no fraud.

Before the making the *stat. 5 Geo. II. cap. 30.* one Norcourt, who had long followed the business of a goldsmith, on Michaelmas-day, 1726, after shutting up his shop, and contemplating his inability to pay what he owed, made an assignment to one Small, of two leases, and also of two thirds of his stock in the wine-trade, which he was concerned in with one Oudley, being about the value of three thousand pounds, and this he did to give a preference to his creditor Small (though without his knowledge) and to secure his debt, who in friendship had then lately advanced him a considerable sum of money. Norcourt never opened his shop again, but went off the very next day, and was afterwards found a bankrupt, and to have become such the day after Michaelmas-day; and on taking out the commission, all his estate was assigned by commissioners to one man an assignee.

On this, Small, who was the assignee of these leases, and likewise of the two thirds in the wine-trade, brought his bill against Man, the assignee in the commission, and against Oudley, the partner in the wine-trade, to oblige them to account; it was here objected for the defendants, that this assignment made by the trader when it was resolved by him that he would be a bankrupt the next day, and to prefer this creditor to all others, by which the equal distribution of his effects intended by the statute, is prevented, must be a void assignment; beside it being made without privity of Small, &c. is therefore fraudulent, after all which, Small comes to have this established, and through partiality to be assisted in a court of equity, which, if allowed, will effectually set aside such parts of several statutes as give an equal distribution of the bankrupt's estate to all his creditors.

Master of the Rolls. This is a case of consequence, as it affects trade in general, and as it tends to frustrate the statutes made for the equal distribution of bankrupt's effects; but still I think the assignment made by Norcourt to Small the plaintiff, is good, and that he is intitled to an account of this wine-trade against the defendant Oudley.

As to the matter of bankruptcy, that is a term not known to our common law, but introduced by statutes; the 3d of *Hen. VIII. cap. 4.* which is the first, is very

imperfect; the next of the 13th of *Eliz. cap. 11.* is more large, and that statute since enlarged by several subsequent ones: now these statutes do ascertain what acts make a bankruptcy, and there can be no such thing as an equitable bankruptcy, it must be a legal one.

There may be just reason for a sinking trader to give preference to one creditor before another; to one that has been a faithful friend, and for a just debt, for money lent to him in extremity, when the rest of his debts might be due from him as a dealer in trade, wherein his creditors may have been gainers; whereas the other may not only be a just debt, but all that such a creditor has in the world to subsist upon; in this case, and so circumstanced, the trader honestly may, nay, ought to give the preference; and in such case, it is not the time when the assignment was made by the trader that is material, provided it be before the bankruptcy, but the justness of the debt is very material.

The objection, that Small the assignee did not know of this assignment, seems rather an advantage to it, for this shews, that there was no fraud nor importunity used by the assignee; and sometimes, upon the account of meer importunity, a trader has, when in trouble, been prevailed upon to make such assignment. And as to the creditor the assignee's coming into equity, I admit that every person who comes here, ought to come with an innocent and just cause, and the now plaintiff, for what appears, does so; however, what distinguishes the present case in his favour is, that the assignment being of a *chose in action*, he could in the nature of the thing apply no where else for relief, or to have the benefit of the assignment, but in equity.

As to precedents, the same was done in the case of Cock and Goodfellow, where the assignment was made by Mrs. Cock, just before her bankruptcy, and in trust for her own children; and as to part, it was but a direction to the trustees to assign her stock in the bank, &c. and Lord Macclesfield declared, that it was so far from being an act of fraud in Mrs. Cock, though it was for her own children, that it seemed to be just and commendable. So in the case of Jacob and Shepherd; the trader Shepherd was on the brink of bankruptcy, and the deed brought ready engrossed to him, which he executed a little before his bankruptcy, to give a preference to some of his creditors; indeed I doubted this, but on an appeal, the lord chancellor Macclesfield ordered a trial, to be informed when the trader became a bankrupt; and the execution of the deed being found to have been before the bankruptcy, the decree was in favour of the deed. The like happened in Sir Stephen Evans's case, who having executed a deed immediately before his bankruptcy, and with a view to prefer some creditors, the same prevailed. So that according to these precedents, I must decree in favour of this deed, giving a preference to the plaintiff. *Norcourt's case, Mich. 1727.*

Of the commission and commissioners, and how they may examine the bankrupt, his wife, and others.

A commission of bankruptcy can issue only upon the petition and affidavit of a creditor or creditors, and not unless the single debt of such creditor, or of two or more, being partners, petitioning, amounts to 100 l. or unless the debt of two creditors, so petitioning, shall amount to 150 l. or unless the debt of three or more creditors, so petitioning, shall amount to 200 l. and also upon such creditors giving bond to the lord chancellor, keeper, or commissioners of the great-seal, in the penalty of 200 l. conditioned for proving their debts, as well before the commissioners, as on a trial at law, as also for proving the party bankrupt at the time of taking out the commission, and farther to proceed on such commission as by the statute is directed. *5 Geo. II. c. 30. s. 23.*

One petitioned for a commission of bankrupt against Lee, and his debt (amounting to 100 l.) appeared to consist of notes, made payable by the bankrupt to other persons, who had indorsed them to the petitioner, and to have been brought in by him at ten shillings in the pound; upon which it was objected, that a creditor coming by his debt in this manner was not intitled to sue

sue out a commission; but lord chancellor Macclesfield ruled, that though the petitioner had thus gained the notes, he was a creditor for the full sums of them, and may sue out a commission accordingly. 1 *Peer Will.* 182. *Hill. Term 1721. ex parte Lee.*

A commission of bankruptcy is not a matter discretionary, but to be granted *de jure*; and it has been adjudged, that if all the petitioning creditors for a commission should agree to have it discharged or superseded, it may be granted; and in case other creditors, that were not petitioners, should pray a renewal of the commission, or a revocation of the *superfedeas*, it may be granted. 1 *Vern.* 152. Alderman Backwell's case.

After a commission is sued forth, and dealt in by the commissioners, they may proceed though the bankrupt die. 1 *Jac. I. c. 15. f. 17.* 2 *Show. cases* 193.

The commission shall not abate by the death of the king; and commissions shall be renewed on the death of the commissioners upon paying half fees. 5 *Geo. II. c. 30. f. 45.*

The commissioners are appointed under the great-seal, and ought to be men (as the lord Coke says) of wisdom, honesty, and discretion; as they have power over the whole estate, freehold, copyhold, goods, debts, chattels, and effects of the bankrupt. 13 *Eliz. c. 7.*

The commissioners may sell the bankrupt's land by deed inrolled; they may sell his goods without inrolment, but not land. *Ditto.* 1 *Vent.* 360.

The commissioners may send for and examine such persons, as have, or are suspected to have, any of the bankrupt's goods, wares, or debts, in their custody, power, or use, and who are, or may be suspected to be indebted to the bankrupt, and to examine them on their oaths, or otherwise, as they shall think fit, touching the premises; and if any refuse to be examined, or do not discover the whole truth, they shall forfeit double the value of the goods concealed, to be distributed by the commissioners, as the rest of the bankrupt's estate. 13 *Eliz. c. 7. f. 5.*

The commissioners have power to commit persons refusing to appear to be examined, or appearing, refuse to be examined on interrogatories. 1 *Jac. I. c. 15. f. 10.*

One Bracey was committed by the commissioners for refusing to be examined, and the warrant concluded, that he shall be committed until he conform to the authority of the commissioners; the words of the statute 1 *Jac. I. c. 15.* are "until he submit to the commissioners, and be by them examined." This was held to be a void commitment, and Bracey was discharged upon an *habeas corpus*. 5 *Mod.* 308. *Comb.* 390. *S. C. Sett. and Rem.* 234. *S. C. 1 Sal.* 348.

Witnesses to have their charges, to be taxed by the commissioners, and paid out of the estate; and being guilty of perjury, or subornation of perjury, indictable and punishable according to the stat. 5 *Eliz.* against perjury. 1 *Jac. I. c. 15. f. 11.*

The commissioners shall declare to the bankrupt how they have bestowed his lands and goods. *Stat.* 15.

The commissioners empowered to examine the bankrupt's wife, touching the estate. 21 *Jac. I. c. 19.*

They may by their warrant appoint their officers to break open the bankrupt's house, shop, &c.

Commissioners may examine all persons, as well by word of mouth, as on interrogatories, relating to the trade, estate, and effects of the bankrupt, or any act or acts of bankruptcy committed, and may reduce into writing the answers on verbal examinations, which shall be signed by the examinant, and in case of refusal to answer, or not fully answering all lawful questions, or refusing to sign the examination, not having a reasonable objection to the wording thereof, or otherwise, to be allowed by the commissioners, they may commit till the party complies; but the question refused to be answered must be stated in the warrant of commitment. 5 *Geo. II. c. 30. f. 16, 17, 18.*

If a warrant of commitment be insufficient in form, and a *habeas corpus* be brought, the court or judge before whom the *habeas corpus* is brought, shall make a new commitment to the same prison, unless it appears that the party had before complied.

Commissioners are incapable of acting till they have taken an oath that they will faithfully, impartially, and honestly behave in the execution of the commission, which oath they are to administer to each other, and keep a memorandum thereof by them, signed among the proceedings. 5 *Geo. II. c. 30. f. 43.*

The oath is as follows;

I, A. B. do swear, that I will faithfully, impartially, and honestly, according to the best of my skill and knowledge, execute the several powers and trusts reposed in me, as a commissioner in a commission of bankrupt, against E. F. late of, &c. and that without favour or affection, prejudice or malice.

So help me God.

No time is generally limited for the taking out the commission, though the sooner doubtless the better for the creditors; and the *proviso* in the statute 21 *Jac. I. cap. 19.* as to particular cases, mentions, that the commission must be sued within five years after some time when the party became bankrupt.

A took out a commission of bankruptcy against B and kept it for six months without doing any thing therein; he then executed it, and the party was found a bankrupt; on a petition to supersede this commission, it was said by A in excuse for keeping it so long by him unexecuted, that he was not at first certain his proof was sufficient to find B a bankrupt; but it appeared afterwards there were good grounds for a commission, and that he was found to be a bankrupt accordingly.

In this case, the lord chancellor said, that it was very wrong in A to keep the commission thus long in his pocket; and until he had sufficient proof of the bankruptcy he ought not to have taken out the commission, which by having been kept so long private, might have been the means of drawing in multitudes of people to give credit to the bankrupt, and of furnishing him with opportunities of defrauding many; wherefore he superseded the commission; and it being objected that this would only bring a fresh expence upon the bankrupt's estate by the charge of another commission, his lordship replied, he would take care that the former commission should not be at the charge of the bankrupt's estate. 2 *Peer Will. Rep.* 545, 546.

A commission, at the complaint of fifteen creditors, was issued on the statute of bankrupts, against alderman Backwell, who died shortly after; and these creditors having a judgment, and supposing thereon they might have better remedy than their proportion would amount to on the commission, they stuck to that, and the heir of the bankrupt paid their debts; and no other creditors appearing then, to prosecute, the commission by their consent was superseded; after which, thirty other creditors sued for a discharge of the *superfedeas*, which after being argued before lord chancellor Jefferies, was done, and his lordship renewed the commission; for the reasons, that when a commission is granted, it is not for the benefit of the petitioners only, but expressly for the benefit of all the creditors. 2 *Chan. Case* 143, 191.

A commission having issued against one Hughes, on a certain day at eleven o'clock in the morning the commissioners met, and proceeded to declare him a bankrupt, and the declaration was signed by them between three and four o'clock in the afternoon, and the assignment of the bankrupt's goods executed by six, at which instant the commissioners had notice, that the bankrupt died that day at one in the afternoon, which was the first notice they had of his death: on a bill brought against an assignee under the commission, for an account of such goods of the bankrupt, as had come to his hands, the defendant pleaded the commission, and the proceedings thereon; and the lord chancellor Talbot held the plea to be good.

For the meeting of the commissioners in order to declare the party a bankrupt, and whatever is done in pursuance of the commission, shall be taken to be a dealing in it, if never so minute; and the rather, for that the statutes of bankrupts being remedial laws, are to be beneficially construed, in favour of the creditors; and therefore

fore my lord would not overthrow this commission, and all the just right of the creditors claiming under it. *Talbot's Chan. Case 184. Hill. 1735.*

A commission of bankrupts was taken out against a person, and upon the bankrupt complaining, that one of the creditors had come in under the commission and proved his debt, yet had arrested the said bankrupt, who in his petition prayed to be discharged; and here lord chancellor King observed, that it had been the construction of the court of equity upon the latter statute, which discharges the bankrupt of his debts, on his procuring a certificate, signed by four fifths of his creditors, and allowed by the chancellor, that where a trader becomes a bankrupt, any one of his creditors comes in on the commission, to prove his debt, though with a design only to oppose the bankrupt's certificate, nevertheless this proceeding of the creditor is an election to take his remedy for his debt under the commission; and if pending that, the creditor sues and arrests the bankrupt, it is taken to be an oppression: therefore he ordered the creditor at his own expence to discharge the bankrupt out of custody. But he said, if such creditor would wave having any benefit under the statute, stay a reasonable time, and there was an improbability of the bankrupt's being able to gain his certificate signed by four fifths, in number and value, of his creditors, or allowed by the court, in such case, if the creditor should apply to the court, declaring his consent to wave any right or share of the bankrupt's estate under the commission, and praying that he might sue the bankrupt; it would be reasonable and proper for the court to give leave to such a creditor to proceed at law against the bankrupt for his debt. *Mich. 1726.*

One Salkeld, a clothier in town, was indebted to one Hale, for cloaths, which Salkeld made over to a relation for a pretended debt; on which Hale brought an action against him, and having obtained judgment, took him in execution on a *capias ad satisfaciendum*, about two years after the act 5 Geo. I. cap. 24. was made. The relation took out a statute against Salkeld, in order to serve him, and Hale was prevailed on to be an assignee, though the bankrupt's estate proved to be only a few shillings, and some desperate debts.

Salkeld thereupon petitioned that he might be discharged out of execution, since Hale, at whose suit he was taken, had come into the commission and proved his debt; and not only so, but was the assignee under it. That though Hale had proposed waving all benefit and advantage accruing from the commission, yet this was now too late, he having come in under it, proved his debt, and consented to be an assignee, which was a plain election to proceed this way, and such election being once made, could not be waved afterwards. But lord chancellor Parker: this commission was plainly sued out fraudulently by the bankrupt's relation, to discharge the bankrupt out of custody; the proposal is fair on the creditor's side to wave any benefit under the commission, and therefore ought to be accepted; and the creditor cannot be said to elect to be satisfied out of an estate, when there is no estate, which more particularly distinguishes this case. I will not discharge this bankrupt to the prejudice of a creditor, where it appears on the face of the thing, that the commission was sued out in favour of the bankrupt himself, by his relation, and not for the service and advantage of the creditors. *Salkeld's Case. 1 Peer Will. Rep. 560. Trin. 1719. L. C. Parker.*

Of the bankrupt's surrender, examination, discovery, allowance, and certificate; and of entering the proceedings, &c. of record.

After the commissioners named in a commission of bankruptcy sued for, have, in consequence of proofs made to them, found any one to be a bankrupt; they make and sign the following declaration, viz.

"We whose names are hereunto subscribed (or underwritten) being the major part of the commissioners appointed for the execution of the commission of bankrupts, awarded against C. D. &c. upon the oath and

examination of divers witnesses, do conceive (or have found) that the said C. D. the ——— day of January last (or before the suing forth of the said commission) was and did become a bankrupt, within all, or some of the statutes, made concerning bankrupts; and accordingly we declare him to be a bankrupt, and to have been so from that time."

G. H.
I. K.
L. M.

But the commissioners are generally cautious in declaring the bankruptcy from a certain time, but leave it to a trial at law, in case there be any question or doubt of it; and this is to secure themselves from actions that may be brought against them.

Also it is here observed, that the declaring of the commissioners, whether he be a bankrupt or not, doth not acquit or charge him, unless in truth it were so.

And after they have declared the party a bankrupt, they then make out the following warrant for seizing his effects.

"Whereas the king's majesty's commission under the great-seal of Great-Britain, grounded upon the several statutes made concerning bankrupts, bearing date at Westminster the same day with this our warrant (or according to the date) hath been awarded against A. B. of, &c. dealer and chapman, directed to us who have hereunto set our hands and seals, together with F. C. Esq; and D. S. gentleman; and we being the major part of the commissioners named and authorized by virtue of the said commission, having begun to put the said commission in execution, upon due examination of witnesses, or other good proof upon oath before us taken, have found that he, the said A. B. did for several years last past trade and deal as a chapman, and by such his dealings became indebted to C. D. of, &c. hatter, in the sum of one hundred and eighty pounds, and being so indebted as aforesaid, he the said A. B. became bankrupt to all intents and purposes, within the true intent and meaning of the several statutes made against bankrupts, some or one of them, before the date and suing forth of the said commission; these are therefore, by virtue of the said commission, and the several statutes therein mentioned, to will and require, authorize and empower, you, and every of you, to whom this our warrant is directed, forthwith to enter into and upon the house and houses of him the said A. B. and also into all other place or places, belonging to him the said A. B. where any of his goods are, or are suspected to be, and there seize all the ready money, jewels, plate, household-stuff, goods, merchandize, books of account, and all other things whatsoever belonging to him the said A. B. and such things as you shall so seize you shall cause to be inventorized and appraised, by honest men of skill and judgment, and the same you shall return to us with all convenient speed, and what you shall so seize you shall safely detain and keep in your possession until we shall give you order for the disposal thereof; and in case of resistance, or of not having the key or keys, of any door or lock belonging to any place or places of him the said A. B. where any of his goods are, or are suspected to be, you shall break open, or cause the same to be broken open, for the better execution of this our warrant. Given under our hands and seals this ——— day of ——— in the year of our Lord ———

J. H.
J. W.
A. H.

"To G. H. our messenger, and also to J. K. his assistant."

To all mayors, bailiffs, constables, headboroughs, and all other his majesty's loving subjects, whom we require to be aiding and assisting in the execution of this our warrant, as occasion shall require.

And likewise send a summons to the bankrupt, which is also his warrant of protection from arrests during the forty-two days allowed for his examination or the farther time granted for finishing it, being forty-nine days, the form of which is as follows:

“Whereas a commission of bankrupt on the day of _____ issued under the great-seal of Great-Britain, against A. B. of, &c. dealer and chapman; and whereas the major part of the commissioners in the said commission named and authorized, have declared you to be a bankrupt; we the said commissioners do hereby summon and require you, the said A. B. personally to be and appear before the commissioners in the said commission named, or the major part of them, on the _____ day of _____ instant, at nine in the morning, and on the _____ and _____ days of _____ next, at three in the afternoon, at Guildhall, London, then and there to be examined, and to make a full and true discovery and disclosure of all your estate and effects, according to the direction of the acts of parliament now in force concerning bankrupts; and particularly the act passed in the fifth year of his late majesty's reign, intituled, *An Act to prevent the committing of Fraud by Bankrupts*; and herein fail not at your peril. Given under our hands day of _____

I. H.
I. W.
A. H.

To A. B. the bankrupt.

As soon as the warrant of seizure is executed, and the bankrupt has received his summons from the commissioners, he ought in prudence to surrender himself at their first meeting, as well to shew his willingness of complying with the statute as to secure himself from arrests and imprisonment, though his appearing at the said time is not absolutely required.

And after such surrender, the bankrupt shall at all reasonable times, before the expiration of the forty-two days, or such further time as shall be allowed him to finish his examination, be at liberty to inspect his books, papers, writings, and accounts, in the presence of his assignee or assignees, or any person appointed by them, and shall have liberty to bring with him such persons as he shall think fit (not exceeding two at a time) to make out such extracts and copies from thence as he shall think fit, the better to enable him to make a full and true discovery of his estate and effects; and in order thereto the said bankrupt shall be free from all arrests, restraints, or imprisonment of any of his creditors in coming to surrender, and from the actual surrender of such bankrupt for and during the said forty-two days, or such farther time as shall be allowed him for finishing his examination. 5 Geo. II. c. 30. s. 5.

Provided the bankrupt was not in custody at the time of such surrender, and in case he shall be arrested for debt, or on any escape-warrant in coming to surrender himself, or after his surrender within the time aforementioned, that then upon producing such summons, under the hands of the commissioners or assignees, to the officer who shall arrest him, and making it appear to such officer, that the summons was signed by the commissioners or assignees, and giving the officer a copy thereof, shall be immediately discharged; and in case any officer shall detain such bankrupt (after he shall have shewn such summons to him, and made it appear it was signed as aforesaid) in his custody, such officer shall forfeit and pay to the bankrupt for his own use, the sum of five pounds for every day the officer shall detain him, to be recovered by action of debt in any of his majesty's courts of record at Westminster, in the name of the bankrupt, with full costs of suit.

A commission of bankrupt issued against Philips de Fries in the month of July, 1732, and he was declared a bankrupt, and required to surrender himself to the commissioners; and when the messenger executed the warrant of seizure, the bankrupt, without resistance delivered up his keys and effects to him, and promised to submit to the commissioners, and comply with the directions of the act.

The summons was not served upon him till the first day mentioned for his surrender in the Gazette (and three days after executing the warrant of seizure) and about an hour after the service of the summons, and before he surrendered himself, he was arrested, and thereupon he petitioned the lord chancellor, among other things, to be discharged; and the petition came on to be heard before

he had surrendered himself; and upon the hearing, lord chancellor King so far considered what he had done, (and which was all he could then do) as a compliance with the act, that he held he ought to be discharged, but dissuaded the bankrupt from suing the officer for the penalty; and thereupon an order was made accordingly by consent.

Every such bankrupt, after assignees shall be appointed, is to deliver upon oath or affirmation, before one of the masters of chancery, or justice of peace, unto such assignees, all his books of accounts and writings, not seized by the messenger of the commission, or not before delivered up to the commissioners, and then in his power, and discover such as are in the power of any other person, that any ways concern his estate; and every such bankrupt, not in prison, shall after such surrender be at liberty, and is required to attend such assignees upon notice in writing, in order to assist in making out the accounts of the estate.

If the person against whom the commission is taken out, is in prison or custody, the commissioners grant their warrant to the warden of the Fleet, or marshal of the King's-Bench, or to any person who has the bankrupt's body in custody on mesne process, to bring him to be examined before them.

But if the bankrupt is in execution, and cannot be brought before the commissioners, then the acting commissioners shall from time to time attend the bankrupt in prison or custody, and take his discovery as in other cases.

It is undoubtedly the obligation of every person, who is so unfortunate as to have a commission of bankruptcy taken out against him, to behave in every respect with the greatest integrity, and do all things in his power to serve his creditors, as well by his assistance in settling his accounts (which he should carefully place in the clearest and truest light) as by his diligent attendance on the assignees, and putting them in the best method of securing and recovering his effects; for the loss of his creditors should not be augmented, through his neglect, as a man has it always in his power to be honest, though he cannot command fortune, or very often prevent misfortune; however, as honesty is not a constant attendant on all bankrupts, the law has furnished the commissioners with a sufficient power to oblige them to submit to an examination, and to make them be just in it. For

If the bankrupt shall refuse to be examined, or not give a full and satisfactory answer to every interrogatory ministered to him by the commissioners, it shall be lawful for them to commit the said offender to some strait or close imprisonment, there to remain until he shall better conform himself. 13 Eliz. c. 7. 1 Jac. I. c. 15. 21 Jac. I. c. 19. And,

If the bankrupt shall not, within forty-two days after notice for his surrendering in writing, left at the usual place of his abode (or on personal notice if the bankrupt be in prison) and notice given in the London Gazette, that such a commission is issued, and of the time and place of meeting of the commissioners, surrender himself to them, and sign such surrender, and submit to be examined from time to time upon oath, by and before such commissioners, and in all things conform to the several statutes already made, and now in force concerning bankrupts, and also upon such his examination, fully and truly disclose and discover all his effects and estate, real and personal, how and in what manner, and to whom and upon what consideration, and at what time or times he hath disposed of, assigned or transferred any of his goods, wares, merchandizes, monies, or other estate and effects, and all books, papers, and writing relating thereto, of which he was possessed, in, or to which he was any ways interested or intitled, or which any person or persons had or hath, or have had in trust for him, or for his use, at any time before or after the issuing of the said commission, or whereby such person, or his family, hath, or may have, or expect any profit, possibility of profit, benefit, or advantage whatsoever, except only such part of his estate and effects as shall have been really and *bona fide* before sold or disposed of in the way of his trade and dealings, and except such sums of money as shall have been laid out in the ordinary expences of his family; and also upon such examination, deliver up to the said commissioners all such part of his goods, wares,

merchandizes, money, estate, and effects, and all books, papers, and writings relating thereto, as at the time of such examination shall be in his possession, custody or power, (his necessary wearing-apparel, and that of his wife and children only excepted) then he, the said bankrupt, in case of any default and wilful omission, in not surrendering and submitting to be examined as aforesaid, or in case he shall remove, conceal, or embezzle any part of such his estate, real or personal, to the value of twenty pounds, or any books of account, papers, or writings relating thereto, with an intent to defraud his creditors (and being thereof lawfully convicted by indictment or information) shall be deemed and adjudged to be guilty of felony, and shall suffer as felons, without benefit of clergy, or the benefit of any statute made in relation to felons; and in such case, such felon's goods and estate shall go and be divided among the creditors, seeking relief under commission. 5 Geo. II. c. 30. § 1.

Though it is lawful for the lord chancellor, lord keeper, or commissioners of the great-seal, to enlarge the time for such person's surrendering himself, and discovering his effects, as the said lord chancellor, &c. shall think fit, not exceeding fifty days, to be computed from the end of the said forty-two days; so as such order for enlarging the time be made by the lord chancellor, &c. six days at least before the time on which such person was so to surrender himself, or make such discovery as aforesaid. *Ditto*, § 3.

When the bankrupt has past his last examination, and his certificate is signed by four fifths of his creditors in number and value, and have proved their debts, and have each owing to them 20 l. or upwards, the commissioners then certify to the lord chancellor, that the bankrupt hath in all things conformed to the several statutes made and now in force concerning bankrupts, and the said bankrupt having made oath that the signing his certificate was obtained fairly and without fraud; and due notice having been given of his said conformity in the London Gazette, and no objection made by any of the creditors to the allowance thereof, his lordship is pleased to allow the certificate, in the following manner. *Ditto*, *sect.* 10.

“Whereas the usual notice hath been given in the London Gazette of Tuesday the day of and none of the creditors of the above-named A. B. have shewn any cause to the contrary, I do allow and confirm this certificate.”

— C.

When such certificate is allowed, the bankrupt is discharged of his debts, and is not liable to be sued or arrested for any one entered into before his failure, although he should be taken in execution or detained in prison by reason that a judgment was obtained before his certificate was allowed and confirmed; and it shall be lawful for any one or more of the judges of the court wherein judgment has been so obtained, on the bankrupt's producing his certificate allowed and confirmed, to order any sheriff, bailiff, or officer, gaoler, or keeper of any prison, who hath or shall have such bankrupt in his custody, by virtue of any such executions, to discharge him without payment of any fee or reward. *Ditto*, § 13.

A bankrupt having his certificate allowed, and having spent his time of pleading at law to a debt precedent to the bankruptcy, is not to be relieved in equity. *Ex parte Goodwin*. 2 Vern. 696. Trin. 1715.

A bankrupt, after his certificate was allowed, was sued for a debt due before his bankruptcy; the court on the circumstances of the case did relieve, though it will not relieve on a matter purely of mispleading. *Blackwall v Combs*. 2 Peer Will. 70.

A creditor petitions against the allowance of a bankrupt's certificate, upon which the bankrupt gives him a bond for payment of his whole debt, in consideration of withdrawing his petition, and in consequence of his so doing the bankrupt obtains his certificate; but refusing afterwards to comply with his bond, the creditor put it in suit against the bankrupt, who pleaded the act of parliament, and that the bond was obtained in order to procure his

discharge; but he could not be relieved in equity against the bond. *Trin. Term. 1722. Lewis v Chase*. 1 Peer Will. 181. L. C. Parker, *Easter Term. 1720*.

A joint commission was taken out against the defendant and partner, and their certificate was allowed; and the defendant was now sued by the plaintiff for a debt due on his separate account, and arrested; to which the defendant pleaded, that the cause of action arose before that of bankruptcy, and therefore moved that he should be discharged out of custody, upon filing common bail, which was allowed; it being held, that the statute of the 5th of George II. which says, *that in case any such bankrupt shall afterwards be arrested, prosecuted, or impleaded, for any debt due before such time as he became bankrupt, such bankrupt shall be discharged upon common bail*, is in general words that the bankrupt shall be discharged on common bail, from all debts owing by him before the bankruptcy, and makes no distinction between a joint and separate commission. *Howard v Poole*. Mich. 8 Geo. II. in B. R. before Lord Hardwicke, Page, Probyn, and Lee.

Three commissions of bankrupt issued at the same time, one against A separately, one against B separately, and a joint one against A and B as partners in company; and the certificates on the two separate commissions were confirmed by the lord chancellor, and delivered to the bankrupts, and four fifths in number and value of the company creditors signed a certificate for the bankrupt's discharge on the joint commission:

But at the time the joint certificate was to have been confirmed, one of the joint creditors applied by petition to the lord chancellor, suggesting that A had lost more than five pounds at gaming in one day, within the year before the commission issued, and therefore was not intitled to be discharged; and the lord Macclesfield not only refused to confirm the joint certificate, but ordered the former separate certificate of A to be recalled and disallowed, and allowed the joint certificate as to B only.

And being a matter of great consequence to A who as soon as his certificate was allowed, had engaged very considerably in trade, he ordered his case to be stated, and took the opinion of the most eminent council thereon; and the questions arising from this case, were,

1st. Whether it was in the power of the lord chancellor, after a certificate was duly allowed and delivered to the bankrupt, and enjoyed by him for several months, to recall the same *ex officio*, and deprive the party of the benefit of the discharge.

If the bankrupt has lost five pounds at one time, and the fact shall be proved before the allowance of the certificate, I think the certificate ought not to be allowed by the commissioners of bankruptcy, or by the great-seal; but if the bankrupt hath conformed in all things, and his certificate hath been allowed, without any objections made upon the account of gaming by the creditors, I conceive there is not a power given to the great-seal to recall the certificate.

S. Cowper, 14 June, 1725.

2dly. Whether a separate certificate discharged the partner from joint debts; and the answer of a great and learned person, was this:

I was clearly of opinion at first, that the bankrupt's separate certificate, so long as it continued in force, discharged the bankrupt, not only from such debts as were owing from the bankrupt on the separate account, but likewise such as were owing on the partnership account; so I continue in the same opinion. I also concur in opinion with Mr. Cowper, that the lord chancellor cannot legally recall the certificate after it is once confirmed, upon the account of a fact which was never proved, or ever objected to, before the allowance of the certificate.

The opinion of another most eminent person to these questions, was as follows:

1st. As to the chancellor's power of recalling the certificate, he says thus, — This is a question of considerable difficulty; but I am rather of opinion that such a confirmation cannot be revoked, so as to prevent the bankrupt's discharge; because (by the statutes) conforming to the acts, and a certificate confirmed, is made an actual discharge of the bankrupt's debts due at the time of his bankruptcy; and a revocation after the debts are once extinguished, seems to come too late.

And

And as to the second question, whether a separate commission discharged joint debts; his answer was this;

As this statute extends expressly to all debts, I am of opinion that partnership debts, being debts of *A.* the certificate is equally a discharge to those debts as well as others.

There was another question which arose on this, and being equally interesting with the preceding ones, we have chose to give the whole at large, for the satisfaction and information of our readers, and it was this, *viz.*

The said *A.* before his bankruptcy being a merchant in London, and in the way of his trade, at the time he became a bankrupt, was indebted to several persons in Virginia, and other plantations: and the question was, whether his certificate, when confirmed here, would discharge him against such debts, in case he went into those parts?

And the opinion of the late lord Talbot, when he was a council, was as follows:

The effects of *A.* in the plantations are liable to the commission here, and the right to them is vested in the assignees; and it seems reasonable that this certificate should be equally extensive as to his discharge: however as the laws of England, made since Virginia and the other plantations were settled, do not extend to them, unless they are expressly named, and as the laws relating to certificates do not expressly extend to the plantations, I am of opinion, that a certificate confirmed here will be no discharge to *A.* if a suit is commenced against him in Virginia, or the other plantations.

C. Talbot, Dec. 24. 1723.

And there was also the opinion of another great man to this purpose.

I am of opinion, that the act of parliament will not extend to any of the plantations, unless they had been particularly mentioned, they being governed by particular laws and constitutions of their own making.

In the year 1732, a commission of bankruptcy issued against Richard Jackson, tea merchant, and an assignment was made of his estate to Thomas Wright and James Huey, in trust for his creditors.

Upon his examination he made a discovery of his estate and effects, and four parts in five of his creditors signed his certificate; but the commissioners did not think proper to sign it.

Afterwards he set up the trade of a distiller, and in consequence of such trading, he became indebted to several persons, and particularly to one Thomas Sorrel in 100 l. and upwards.

On the 31st of June 1739, Sorrel sued out another commission of bankruptcy against him, and he submitted to such second commission, and obtained his certificate, which was allowed by the lord chancellor on the 5th of June, 1740.

He then returned to his first trade of a tea merchant, and contracted debts to the amount of several hundred pounds.

In May 1740, Wright and Huey, the assignees in the first commission, preferred a petition, in the names of themselves and all the rest of the creditors under the said first commission, in order to set aside the second commission and his certificate, which was advertised in the Gazette to be allowed, unless cause was shewn to the contrary.

And pending this petition, *viz.* 24th May 1740, a notice was published in the London Gazette, for a meeting of the creditors under the first commission, who afterwards met those under the second commission; and these latter agreed to give the former a sum of money to withdraw their petition, which they accepted, and withdrew their petition accordingly; and the bankrupt, having had his certificate confirmed, continued his business as before.

But two of his creditors under the first commission, on the 17th of December 1743, preferred a petition to the lord chancellor, setting forth the matters before mentioned, and that Jackson had not made a fair discovery of his estate, and had prevailed on the assignees under the first commission not to attend their petition, by means whereof the said bankrupt, to their great surprize, had obtained his certificate.

That they were advised, that the second commission was obtained fraudulently, and that the issuing of the same

under those circumstances was irregular, and that the said certificate was obtained in order to prevent the creditors under the first commission from recovering their debts, though they were assured the bankrupt was then able to pay them.

They therefore prayed that the commission might be superseded, and that all proceedings under the same, with the bankrupt's certificate, might be set aside.

But his lordship ordering the parties to attend, and that the proceedings under both commissions should be produced; and the petition coming on before his lordship, and learnedly argued by the gentlemen at the bar on both sides, his lordship was pleased for the following reasons (among others) to dismiss the petition:

1st. Because the parties had acquiesced in the allowance of the certificate under the second commission, from the 5th of June 1740, being the time of Jackson's obtaining such certificate, to the 17th of December 1743, and had never made any complaint of the same.

2dly. There had been a meeting between the assignees and several of the creditors, under the first and second commission; and that the petition, which was intended to be presented to the court for staying the bankrupt's certificate under the second commission, was by the consent of the assignees and creditors under the first commission, who were present, and had public notice in the Gazette to meet the assigns and creditors under the second, and circular letters sent them for that purpose; and that they had agreed, that such petition should be withdrawn, in consideration of a sum of money paid by the creditors under the second commission, to the creditors under the first commission; and that this was in the nature of an acquiescence and consent from the creditors of the first commission, that Jackson should have his certificate under the second commission.

3dly. That it did not appear to him, but that the petitioners were well acquainted with the steps that were taken by the assignees and creditors in the first commission, in regard that they had not denied the same by their affidavit, but had only sworn that they did not know, remember, or believe, that they ever consented to the withdrawing of the petition, preferred by the assignees as aforesaid, to set aside the certificate under the second commission; and that if the assignees had done amiss, the creditors had a remedy against them.

4thly. That Jackson had, under the sanction of the court, carried on a considerable trade, and that it would be contrary to the justice of a court of equity, to prejudice innocent persons, who might have been induced to give future credit, believing him to be a free person, on having such certificate; and the consequence would be, that all his dealings from that time must be opened and unravelled. *Ex parte* Jackson, before lord Hardwicke in 1744.

Though the bankrupt should have obtained his certificate, and the same has been duly confirmed, it does not put an end to his duty of attendance, as he is obliged to give it upon every reasonable notice in writing delivered to him, or left at his usual place of abode, by the assignees, thereby requiring him to attend them, in order to make up, adjust, or settle any account or accounts between such bankrupt, and any debtor to, or creditor of him, or to attend any court or courts of record, in order to be examined touching the same, or for such other business as the assignees shall judge necessary, for getting in the bankrupt's estate and effects; and for which attendance the bankrupt shall be allowed the sum of two shillings and six-pence *per diem* by the assignees, to be paid out of the estate; and in case such bankrupt shall neglect or refuse to attend, or on such attendance shall refuse to assist in such discovery (without good cause to be shewn to the commissioners for such his neglect or refusal, to be by them allowed as sufficient) such assignees making due proof thereof upon oath, before the said commissioners, they the said commissioners are hereby empowered and required, to issue a warrant directed to such person or persons as they shall think proper, for apprehending such bankrupt and him committing to the county jail, there to remain in close custody without bail or mainprize, until he shall duly conform to the satisfaction of the said commissioners, and be by them, or the special order of the

the lord chancellor, or otherwise by due course of law discharged; and the jailor is hereby required to keep such person in close custody within the walls of the prison, until he be duly discharged as aforesaid. 5 Geo. II. c. 30. f. 7.

In case any commission of bankruptcy shall issue against any person, who after the 24th of June 1732, shall have been discharged by virtue of this act, or shall have compounded with his creditors, or delivered to them his effects, and been released by them, or being discharged by any act for relief of insolvent debtors, then the body only of such person conforming, shall be free from arrest and imprisonment; but the future estate of such person shall remain liable to his creditors (the tools of trade, necessary household goods, and necessary wearing apparel of such bankrupt, and his wife, and children excepted) unless the estate of such person shall produce clear fifteen shillings in the pound. *Ditto* f. 9.

Nothing in this act shall give any advantage to any bankrupt, who shall upon marriage of any of his children have given above the value of 100l. (unless he shall prove by his books, or otherwise, upon his oath or affirmation before the commissioners, that he had remaining other estates sufficient to pay every person to whom he was indebted their full debts) or who shall have lost in one day the value of 5l. or in the whole the value of 100l. within twelve months next preceding his becoming bankrupt, at cards, dice, tables, tennis, bowls, billiards, shovel-board, or cock-fighting, horse-races, dog-matches, or foot-races, or other game, or by bearing a share in the stakes, or betting; or that within one year before he became bankrupt, shall have lost 100l. by contracts for stocks, or shares of any public funds, where such contract was not to be performed within one week from the making, or where the stock was not actually transferred. *Ditto* f. 12.

Upon certificate under the hands and seals of the commissioners, that such commission is issued, and such person proved before them to become bankrupt, it shall be lawful for any of the justices of any of his majesty's courts of king's bench, or common pleas, or barons of the exchequer, &c. and they are required, upon application made, to grant their warrants for apprehending such person, and him to commit to the common jail of the county, where he shall be apprehended, there to remain until he be removed by order of the commissioners; and the jailor to whose custody such person shall be committed, is required to give notice to one of the commissioners, of such person being in his custody; and the commissioners are empowered to seize the effects of such bankrupt (the necessary wearing-apparel of such bankrupt, or of his wife or children, excepted) and his books of writings, which shall be then in the custody of such bankrupt, or of any other person in prison. *Ditto* f. 14.

If any person so apprehended shall within the time allowed, submit to be examined, and conform as if he had surrendered, such person shall have the benefit of this act, as if he had voluntarily come in. *Ditto* f. 15.

Upon petition of any person, the lord chancellor may order such commissions, depositions, proceedings and certificates to be entered of record; and in case of the death of the witnesses, proving such bankruptcy, or in case the said commissions or other things shall be lost, a copy of the record of such commissions or things signed and attested as herein is mentioned, may be given in evidence to prove such commissions, and bankruptcy, or other things; and all certificates, which have been allowed, or to be allowed, and entered of record, or a true copy of every certificate signed and attested, as herein is mentioned, shall and may be given in evidence in any courts of record, and without further proof taken to be a bar and discharge against any action for any debt contracted, before the issuing of such commission, unless any creditor of the person that hath such certificate shall prove such certificate was fraudulently obtained; and the lord chancellor shall appoint a place near the inns of court, where the matters aforesaid shall be entered of record, where all persons shall be at liberty to search; and the lord chancellor shall by writing appoint a proper person, who shall (by himself, or deputy to be approved by the lord chancellor by writing) enter of record such commissions, and other things, and have the custody of the entries thereof; and

also appoint such fee for his labour therein, as the lord chancellor shall think reasonable, not exceeding what is usually paid in like cases; and the person so to be appointed, and his deputy, shall continue to enter of record all the matters aforesaid, and to have the custody of the same, so long as they shall behave themselves well; and shall not be removed but by order in writing, under the hand of the lord chancellor, on good causes therein specified. *Ditto*, f. 41.

Of the assignment, and bargain, and sale of the bankrupt's estate. Of the involment, and what shall pass thereby, or be such an interest as the commissioners may assign.

The commissioners may sell by bargain and sale, all the lands, tenements, hereditaments, as well copy as freehold, which the bankrupt had in his own right, before he became bankrupt; and also all such lands, tenements, and hereditaments, as he shall have purchased or obtained by money, or other recompence, jointly with his wife or children, to the only use of such offender, and all such use, interest, right, or title as he shall have in the same, which he may depart withal. This must be by deed indented and inrolled; and the bargainee may not enter till *composit* with the lord, and admittance. 13 Eliz. c. 7. f. 2. *Cro. Car.* 569.

The commissioners may likewise assign all the bankrupt's fees, annuities, offices, goods, chattels, wares, merchandizes, and debts. 13 Eliz. c. 7. f. 3. *William Jones*, 451. Sc.

If a bankrupt after his bankruptcy purchase any lands, tenements, or hereditaments, free or copy; offices, fees, goods, or chattels; or in case any of them shall descend, revert, or by any means come to any bankrupt before his debts are paid, such future acquisitions are made subject to the commission, and may be assigned. 13 Eliz. c. 7. f. 11. *Moses a Little*. 2 Vern. 194.

The father, on the marriage of his son, covenants, during his own life, to pay him fifteen pounds *per annum*, the son becomes a bankrupt; and the assignee files a bill against the father, to have the benefit of the agreement, and to compel payment of the fifteen pounds *per annum*. It was held, that the assignee is not intitled to have a performance of an agreement made with the bankrupt. *Toulson a Grout*.

A legacy given to a bankrupt before his bankruptcy may be assigned. 2 Vern. 432. But he had obtained a decree for such legacy before his bankruptcy, and was reported due, c. 637.

If a bankrupt convey to his children, or other persons, any of his real or personal estate, except the same shall be purchased, or conveyed, or transferred to his children in consequence of marriage, or some valuable consideration, the commission shall over-rule.

Commissioners may assign all debts, due, or to be due to the bankrupt, which shall fully vest the property in the assignee, and he may sue in his own name.

The commissioners by bargain and sale indented and inrolled in one of the courts of record at Westminster, may grant any lands or hereditaments, of which the bankrupt hath an estate in tail, in possession, reversion, or remainder, except where of the gift of the crown, the reversion or remainder shall be in the king, and the commissioners may redeem mortgages upon lands or goods. 1 Jac. I. c. 15. f. 5. *Ditto*, f. 13. 21 Jac. I. c. 19. f. 12, 13.

A man devised his lands in mortgage to be sold, and the surplus to be paid his daughter, who married a man who soon after became bankrupt and died; upon a bill brought by the assignee against the wife, to have the land sold and the surplus paid to them, the court dismissed the bill. *Abt. Equity Cases* 54.

As to the sale of lands in a bankrupt's own possession at the time of his failing, the case of Allen, in the Chancery, 1 Jac. I. is a very remarkable one; and was as follows: Edwards, a citizen of York, who had served the office of sheriff there, being indebted to Allen, Habersley, and others, of London, for wares sold, became a bankrupt; upon which, Allen and Habersley, and some other creditors of London, by a petition to the lord chancellor, procured a commission of bankruptcy

against the said Edwards, to certain commissioners therein named; who by deed of bargain and sale inrolled, sold all the bankrupt's lands to Allen and Haberley for 400 l. the land being then worth 2400 l. but was sold so cheap by reason of many incumbrances on it, made long before Edwards was a bankrupt, or became indebted to Allen, or any of the Londoners who sued out the commission.

After this sale, the commissioners, Allen, and the other petitioning creditors, upon full consideration had of the bankrupt's estate, which stood encumbered with a mortgage, statute, and leases, made an agreement with the bankrupt and his friends to this effect, viz. That the creditors would take ten shillings in the pound for their due debts, and Smith and Wood were the bankrupt's securities for payment of the same; and it was agreed, that Allen and Haberley should convey the bankrupt's lands to them for their security, which agreement was certified by the commissioners; and they did also certify, that Allen, after this agreement, refused to comply therewith, and fought the advantage of law, to the great loss and hindrance of the rest of the creditors, and to the undoing of Edwards, his wife and children.

In execution of this agreement, twelve pounds ten shillings were paid to one of the creditors, and books were drawn and ingrossed by one of the commissioners ready for perfecting the assurance; notwithstanding all which, Allen refusing the agreement with Haberley, preferred a bill against Edwards and others, complaining, that the mortgage, statute, and leases, were all fraudulent, and the money being paid was kept on foot by practice, to prejudice the creditors, and the sale made by the commissioners: whereupon Edwards, Smith, and Wood, preferred a cross bill against Allen and Haberley, for the performance of the agreement of ten shillings in the pound, and to convey the land to Smith and Wood according to the agreement.

At the hearing of the cause upon Allen's bill, the lord chancellor finding it confessed, that of the mortgage-money there was but thirty pounds unpaid, ordered that Allen, paying the thirty pound, should have the same conveyed to him and Haberley & al. and the statute to be discharged, which was done accordingly; and a decree made, that Allen and Haberley, and their heirs, should enjoy the lands according to the sale of the commissioners, free from the incumbrances and charges of the statute, and the person who had it was left to the law; but upon another motion, his lordship stayed the *liberate*, after the extent upon that statute, and so it rested.

Allen having gotten the incumbrances thus cleared by the court of Chancery, fought to hold the lands, for the 400 l. only, which were worth 2400 l. although he had covenanted with the commissioners in the bargain and sale, that if the lands were sold for more than 400 l. within three years, they would pay the overplus towards the satisfaction of the creditors; and all the incumbrances being discharged within the three years, as aforesaid, yet he would hold the land for 400 l. and pay no more for it.

In another term, Allen gets a commission out of the Chancery, to the sheriffs of York there, to put him in possession of the land, upon the first decree in Chancery made for him; and Allen, with the under-sheriff, cast Edwards's children all out of doors in frost and snow, that they were enforced to succour themselves in a marsh, and when some of the tenants of the land would have taken them in, and relieved them, Allen threatened to turn them out of their tenements if they did so; and did turn one of the tenants out of his house, who entertained them but one night. Also Allen took diverse cattle and goods that were Edwards's father's, and not the bankrupt's; and the old man suing for them in the King's-Bench court, Allen procured an injunction out of Chancery, and staid all the suits as long as the old man lived, who shortly died; and Edwards and his wife at London, following the suit to be relieved against Allen, died both together of the plague, leaving seven poor children behind them.

The lord chancellor, being informed of this extremity by petition and affidavit, gave direction that the bill,

which Edwards, Smith, and Wood preferred upon the agreement of ten shillings in the pound, should be revived in behalf of the poor children; and his lordship assigned Wood their guardian to prosecute, and Francis Moore, he assigned to be of their counsel in *forma pauperis*.

This cause coming to hearing, and the agreement appearing confessed by Allen's answer, and proved by the certificate of the commissioners, and diverse witnesses; the covetous and unconscionable dealing of Allen likewise appearing plainly, by the covenant which they took of Allen, the lord chancellor decreed Allen should pay the overplus of the value of the lands above 400 l. if they should be sold for more; and the uncharitable and unchristian usage of Allen towards the poor children of Edwards, being all infants not able to help themselves, considered, did decree, that Allen and the rest should be satisfied with ten shillings in the pound for their debts, according to the agreement certified by the commissioners; but no abatement to be made of the 400 l. paid for the land, nor of the 30 l. paid for the mortgage; and withal, that Allen should have reasonable allowance for costs of suit; and for this purpose his lordship made a reference to Sir John Tindal, a master in Chancery, to cast up the estate of the bankrupt and the debts, and to certify what overplus he found for the relief of the poor children.

Sir John Tindal often heard the cause, and the allegations of Allen and his counsel, and in the end made a certificate of the estate real and personal of the bankrupt, and of the debts, and made all allowances as by the order was directed, and gave to Allen for costs of suit two hundred marks, and to Haberley a hundred marks, and seventy pounds to all the creditors that sued out the commission; and for the residue, did propose it as his opinion, that Allen should keep the land, and pay the overplus of the value thereof above the 400 l. or depart with the land to Smith & al. who would pay Allen and the other creditors according to the report, and yield the overplus to the children, amounting to 600 l. or thereabouts.

On reading the master's report, the lord chancellor gave time to Allen to make his election, whether he would keep the land and pay the money, or depart with the land and receive the money? And as Allen made no election, but insisted upon the advantage, to have the land for 400 l. (worth 2400 l.) and would render nothing to the creditors, nor to the poor children:

The lord chancellor did now decree, that Allen should receive the money mentioned in the report, which was much more than in equity was any ways due unto him, and convey the lands according to the report; and for not performing this decree, Allen was committed to prison. *This cause began the 1 Jac. and ended 11 Jac. I.*

It is laid down as a rule, that where the owner of lands, &c. by his own act may not controul a gift or a charge; there, if he becomes a bankrupt, the gift or charge may not be defeated: so that if a man bargain and sell lands, and before inrolment becomes a bankrupt; and after the deed is inrolled; in that case, the land may not be sold by the commissioners of bankrupts, but the *bargainee* shall hold the land discharged from the commissioners. And where a person gives lands, upon a precedent condition, to be performed by the *donee*, and after he is a bankrupt, after which the condition is performed, this defeats the power of the commission. *IV. Jones, Rep. 203. 4 Car. I. B. R. Audley and Halscy.*

Although the commissioners in the aforementioned case cannot sell the land, where the party before inrolment becomes a bankrupt, according to the rule laid down by Jones; yet it is said, if he makes a feoffment of lands, and a letter of attorney to give livery, and then becomes bankrupt before the Seisin is delivered, these lands may be sold by the commissioners. The reason of the difference is, in the first case the *bargainee* is in by the bargain and sale, by relation from the execution thereof, and not by the inrolment; and the bankrupt could not by his own act defeat this; but no estate in the other case passeth at all till the livery be executed; and then in this last case, his letter of attorney is revocable, and his becoming a bankrupt before the estate is executed, is *quasi* a countermand or revocation in law.

In ejectment, upon a special verdict, the question was, whether the vendee or bargainee of the commissioners upon the statute of bankrupts, of lands by deed indented, may by his lessee maintain an ejectment before the enrolment of the deed, although it be enrolled after the action brought? Here it was said by the court, that there is a great difference between this case and the case of a bargain and sale by the statute 27 Hen. VIII. c. 10. of uses; for the estate there passeth by the contract, and the use is executed by the statute: then comes the statute of enrolments, cap. 16. of the same year, which enacts, that *no estate shall pass without enrolment of the deed indented, and that within six months, the words of the act being, unless it be by deed indented and enrolled, and therefore the contract is with the party that had the estate, and the deed is appointed to be enrolled within a certain time.*

But here the commissioners have not any estate, only a power which ought to be executed by the means prescribed by the statute, with the circumstances thereby directed; that is, not only by the deed indented, but enrolled also: and if they do not pursue the act according to their power, there is no execution or effect to pass the estate; and it would be very dangerous to make any other construction, as no time is limited by the said act for the enrolment; for if it were enrolled any time after seven, or twenty years, or a longer time, it shall relate as well to the making of the deed, as any shorter time; and judgment was given for the defendant. *Perry a Bowes. 1 Jones 196, 197.*

This case being argued by Saunders, as reported in *Ventris*, he pleaded, that in the case of enrolment of a bargain and sale, the deed itself passeth the use, and the statute of enrolment obstructs the operation of it till enrolment; but when that is done, it passeth by the deed: that here needs no relation to avoid the mischief of mean assignments from the bankrupt, because he is restrained from the time of his first act of Bankruptcy; and on the other side, the mischiefs would be very great, if there should be a relation from the enrolment, in regard the statute limits no time for the doing of it, so that it may be enrolled many years after; and if this should relate to punish *mesne trespasses*, the inconvenience would be great, for such trespasses are, until the enrolment, exposed to the actions of the bankrupt. *1 Vent. 361.*

That generally in cases of common law, there is no relation, as in the case of feoffment and livery, but stronger in case of a grant of a reversion, where the attornment is but the assent of the tenant; yet it shall not relate to the grant: it would be hard if relation should be admitted to make a man liable to a trespass; and it has been much doubted, whether a bargainee before an actual entry can maintain action of trespass.

Per curiam, where executors sell by authority given by will, the vendee is in the *per* from the *divisor*, but here in the *post*, and by the statute; and it must be very inconvenient to admit of relation, because no time is fixed for the enrolment.

The judges in this case afterwards gave their opinions, that sale by commissioners of bankrupts, if of lands, ought to be by deed enrolled, and is void if otherwise; and that this depends upon the different penning of the statute from that of enrolment; they likewise held, that here shall be no relation. *Skin. 30.*

A sale of intailed lands by the commissioners shall be good against the bankrupt and his issue, and bar persons in remainder or reversion, as much as if himself had suffered a common recovery. A case has been put on this clause of the statute 21 Jac. I. If lands are settled on A and B his wife, before marriage, for their lives; and after their deceases, to the use of the first son of their bodies lawfully begotten, and to the heirs male of such first son; and for want of such issue, to the use of the second son, &c. in tail male, and so to the tenth son. A becomes a bankrupt before he hath a son; whether the commissioners may sell these lands, and make a good estate to the purchaser? It is held they may; for though A is here a tenant in tail, but a bare tenant for life, the words in the statute being, that the *bargain and sale shall be good against all and every other person and persons, whatsoever, whom the bankrupt might cut off and debar by common*

recovery, or otherwise from any remainder, reversion, rent, profit, title, or possibility; it seems this bargain and sale shall be good; for A, the father, before issue, by his bare feoffment, might destroy the contingent estate; as it is in *Archer's Case*, 1 Rep. 67. But was the settlement made so, as to support the contingent remainder (as is usually done) so that the father could by no means debar it by any act he could do, then it would make a greater question; and yet if the commissioners could not sell in such case, as settlements are generally made now, the act in this point might be easily eluded: however, this is to be understood of voluntary settlements. *Gooding 82.*

In consideration of marriage, a man makes a conveyance to the use of himself and his wife; afterwards he becomes a bankrupt, on which a commission is taken out, and the lands are sold by the commissioners; the sale has been adjudged good. It is observed in this case, that within half a year after the settlement, the party became bankrupt; so as there seems to be a fraud in the conveyance; but it is not expressed in the pleading as it might have been; and this is not in dispute upon a special verdict, but comes in question on a point of pleading, which is to be taken strongly against him that pleads it; and he does not express any valuable consideration, as he might have done; as consideration of a portion, or performance of articles made on marriage, or that the wife had joined in selling some part of the land. *Stile's Rep. 288. Tucker and Closh.*

A settlement was made by a husband, for the jointure of his wife, reciting, that the wife had joined with the husband to sell part of her former jointure, in which he and she were tenants for life, the remainder in tail to the first and tenth son, remainder to his heirs: by Hale C. J. at a trial at bar, this is not fraudulent, though he alone, having no issue, might bar this contingent remainder. *Scot a Bill. 3 Keb. 82.*

And a man may settle lands on his son, before he be a bankrupt; and if it be not by fraud and to deceive creditors, it shall be good (and the fraud must be found by the jury.) The statute saith, *The sale of the commissioners shall be good against such offenders, and he is no offender till he is a bankrupt. Jones, 438.*

If a man purchases lands after the time of his trading, and his being in debt, and doth purchase it in the name of his wife or children fraudulently; this will be liable to sale by the commissioners: though it is otherwise, if it be purchased before he comes to be a merchant. Also any sale of lands or goods by a bankrupt before he becomes in debt, or before his trading, is without question good; and so are all the acts he doth, before he comes to appear to be a bankrupt. *March Rep. 34.*

In case a bankrupt hath lands in right of his wife, it may be sold during the coverture; and if she be a *feme sole* merchant in London, she becoming bankrupt, the whole shall be sold; and it shall be accounted the husband's folly to suffer her to trade, and her trading shall be looked upon as his; so that she and her estate in trade shall be affected by his bankruptcy. But the dower of a bankrupt's wife shall never be sold, unless she marries one that is a bankrupt. *Stone 163, 164. Langham a John Bewett's Wife. 1 Cro. 68.*

It is clearly held, that if two persons are jointly seized of lands, and one becomes a bankrupt, his moiety may be sold by the commissioners; even though he be dead, and survivorship shall not take place. *1 Jac. I.*

And where two women are joint tenants of a lease for years, and one takes a husband, who becomes a bankrupt; the commissioners may sell the interest of a moiety: and yet this has been questioned; for chattels real are given to the husband, if he survive; but if he die before the wife, she shall have them. If two joint tenants are disseized, it is likewise a question, whether the commissioners shall sell on the bankruptcy of one of them; for before entry he could not grant his moiety, though he might release it. *Gooding 89, 90.*

As to lands descended or devised to the bankrupt after his bankruptcy, the commissioners may sell the same; as they may all offices of inheritance, such as warden of the Fleet, keeper of a forest, &c. but no judicial office, or office of trust, which is annexed to the person, and

may

may not be executed by a deputy; for if such officer ableats, he forfeits his office, and then the king grants it over. *Stone* 147.

As for lands mortgaged, or estates on condition, by 21 *Jac. I. c. 19*. If a merchant makes a feoffment on condition, *that upon paying a certain sum he may re-enter*, and then becomes a bankrupt, the commissioners may tender the money at the day, and make sale of the land. But where lands are mortgaged to a bankrupt, as if a feoffment in fee, in consideration of a sum of money, be made to him and his heirs, provided that if the feoffor do not pay such a sum on such a day, then the feoffor is to make it an estate absolute; the feoffee becomes a bankrupt, and the money is not paid on the day; the commissioners cannot by this act force the feoffor, to make an absolute fee, though Chancery will compel him. *Billingshurst* 116.

By the statute, the commissioners are enabled to perform the condition, &c. of a mortgage; but if the mortgage is forfeited, it has been formerly a *quere* whether the commissioners might dispose of the equity of redemption; but serjeant Newdigate said it had been ruled in Chancery, that commissioners may assign an equity of redemption. 1 *Chan. Case* 71. 2 *Vern.* 97.

Where the equity of redemption of lands mortgaged was conveyed over to a third person by a bankrupt, after his bankruptcy, though before the assignment of his estate by the commissioners; lord chancellor Talbot held that nothing passed by this conveyance; for creditors after bankruptcy are in nature of purchasers, and have a prior equity to any other persons.

And the statutes concerning bankruptcy are founded on supposed frauds of the bankrupts; and consequently intended to put them under disabilities to prejudice their creditors; so his lordship decreed, that the mortgagee should reconvey to the plaintiff the assignee upon payment of principal and interest. *Talbot's Cal.* 68, 69.

In general no person shall be allowed to come into equity for a redemption, but he that has the legal estate of the mortgagor; and where there are proper persons as assignees to get in the estate of a bankrupt, a court of equity will not suffer the creditors to bring in a bill in order to redeem or recover that estate, unless the assignees under a commission make default or collude with a debtor, when a creditor may bring his bill, in order to take care of the estate, and charge the assignees with such collusion. *Barnardist. Rep.* 30, 32. *Pafch.* 1740.

If a bankrupt (before his bankruptcy) sells his goods to other persons, and yet keeps and disposes of the same as if they were his own, such goods shall be sold by the commissioners; and accordingly it hath been always so adjudged: and if a man, with an intent to support the credit of a bankrupt, suffers him to have his goods in his custody, and to dispose of them, the property of these goods shall be accounted to be in the bankrupt, and not in the true owner; for the owner shall lose his right, as a punishment for his false dealing herein, and of the mischiefs that may grow by such devices to evade the laws; and the laws cannot take notice of such private things done between the parties, but will judge of them as they appear to be. 21 *Jac. I. c. 15. s. 11.* 1 *Litt. Abr.* 195.

If one becomes a bankrupt after an extent and before the *liberate*, and the commissioners sell the goods to the creditors; it has been adjudged they cannot be sold. Though the words of the statute are, *That the commissioners have power to sell the goods, which were his at the time that he became a bankrupt*; notwithstanding he becomes bankrupt before the *liberate*; and although the property remains in the *conusor* until the delivery by that writ; yet the extent has bound the goods so, that when the *liberate* comes it defeats this; and divests the property of the goods out of the *conusor*, as to any mean act or incumbrance, from the time of the extent. *Cro. Car.* 149. *Audley a Halsby.*

In this case all the court resolved, and severally delivered their opinions, that those goods extended before the party became a bankrupt, and delivered by the *liberate* after he was a bankrupt, could not be sold by the commissioners; because they being extended, are *quasi in custodia legis*, so as the *conusors* have not any power to

give, sell, or dispose of them; and they are as goods gaged or distrained, which cannot be forfeited by out-lawry, or taken in execution, from the person that has them in gage, or by way of distress, without payment of the money, for the goods are bound by the test of the writ of extent or execution sued.

They also held, when the writ of *liberate* is sued out, it has relation to the writ of extent, and they are as but one extent; and the goods are so bound by the extent and appraisement, that the *conusor* hath no more property in them but *secundum quid*, that is, if the *conusor* refuse to accept them; for it is a conditional writ to deliver the goods to the *conusor*, if he will accept thereof, and when he accepts them, they are bound *ab initio*. And they all conceived, that the statute being with an exception, when execution or an extent is served or executed; that this is to be accounted the execution of an extent, when the goods are appraised, and the writ returned; but so long as they remain in the hands of the *conusor*, they may be sold; but when they are delivered by the *liberate*, and the extent is returned served, the goods are not subject to any other execution, nor the power of the commissioners, to meddle with them. 1 *Jones* 202.

An execution was sued by a person, the money levied, and in the sheriff's hands, and the man became a bankrupt: *by the court*; the money recovered in the hands of the sheriff is not assignable by the commissioners to the creditors, for it is in *custodia legis*. *Cro. Car.* 166, 167. *Benfon a Flower and Blackwell.*

But it is nevertheless held, that the assignees of the commissioners may bring a *scire facias* against the defendant, in case the money lie in his hands, in order to try the bankruptcy, and so gain the money recovered by the bankrupt. See the case of *Monk a Morris and Clayton.* 1 *Vent.* 193. 1 *Mod.* 93.

One Thompson had a judgment against Watkins for 600l. and the 19th of June sued out a *scire facias* thereupon, which the 30th of June was delivered to the sheriff in the morning, and Watkins having notice thereof, in the night of the same day departed from his houses, and thereby become a bankrupt; the 1st of October the sheriff levied 400l. of the goods of Watkins, and paid it to Thompson, and the commissioners assigned it in the hands of Thompson to the plaintiff, as the goods of Watkins in his hands, for which an action of the case was brought, and a special verdict of it found; and being learnedly argued on both sides, a judgment was finally given for the defendant. *Philips a Thompson.* 3 *Lev.* 69, 191.

In an action of trespass brought by the assignees of commissioners of bankruptcy, for taking of their goods; on not guilty pleaded, the jury found a special verdict, the substance of which was as follows, viz. one Toplady a vintner, on the 28th of April became a bankrupt, against whom a judgment was formerly obtained; the judgment creditor sued out a *scire facias*, and the sheriffs of London by virtue thereof, on the 29th of April seized the goods of the said Toplady; and after the seizure, but before any *venditioni exponas* came, an extent, which is a prerogative-writ, issued out of the exchequer, against two persons who were indebted to the king, and by inquisition, this Toplady was found to be in debt to them, whereupon part of the goods mentioned in the plaintiff's declaration, were seized by the sheriff, and sold, and the money paid, &c. but before the said sale, or any execution of the exchequer process, a commission of bankruptcy was had against Toplady, and the commissioners assigned the goods to the plaintiff.

The question here was, whether this extent did not come too late? or, whether the *scire facias* was well executed, so that the assignees of the bankrupt's estate could not have a title to those goods, which were taken before in execution, and so in custody of the law? The court adjudged, that the extent, though a prerogative-writ, and likewise the assignment by the commissioners of bankruptcy, came too late; because the execution being well executed, the goods were made liable to the judgment creditor. *Lechmere a Thorowgood & al.* 3 *Mod.* 236.

A person that is a bankrupt, becomes *sele de se*; it has been a question, whether the commissioners may assign the goods to be sold for the creditors, or if the king shall have

have them? And it was resolved for the creditors: for though it is adjudged in Lady Hale's case, in Plowden, that when two titles come together, viz. the king's and that of a subject, the king's title shall be preferred; yet the king by the acts of parliament has given away his title to the creditors; and nevertheless this may admit of a dispute, the judges never construing a statute to give away the king's right, but wherein he is mentioned. In a question whether the creditors by a commission shall have the goods of a person outlawed? It is conceived, the king shall have them by outlawry, &c. where he has a title at common law. See *W. Jones Rep.* 203. and Sir *Simon Nevel's Case*. *Hill. 3 Car. 1.*

In the Chancery it has been decreed, that money overpaid on an usurious contract, as where a sum is lent to a person in necessitous circumstances, at six or eight per cent. who afterwards becomes a bankrupt, shall be accounted for and refunded, notwithstanding the agreement of the oppressed party to allow such payment, and the securities therefore to be delivered up. But in the case of money lost at gaming and paid, this court will refuse relief, where it cannot be recovered at law; for there the plaintiff in equity is *particeps criminis*. *Bosanquet a Dabswood*. *Talbot's Case*. 38, 41. See the title *DOWER*, concerning uncertain and contingent estates, which do or do not center in the bankrupt. See *WIFE* for her title to her free-bench. See *SEPARATE SETTLEMENTS*, not subject to the engagements of a husband. See *WILLS* in favour of a bankrupt's wife. See *ARTICLES* before marriage, for their validity in case of bankruptcy. See *DEBTS* due to, and from, the wife when single. Also see *RIGHTS* of bankrupt's children by marriage-settlements.

Of possibilities, in bankruptcies.

By this statute it is enacted, that the bankrupt is to discover to the commissioners upon oath, such estate and effects as he may have any profit, or possibility of profit, benefit, or advantage whatsoever by. 5 *Geo. II. c. 1.*

And a possibility is defined to be such an uncertain thing as may or may not happen; but it must be such a right, according to the case of Higden and Williamson, as a person may lawfully depart withal, and of which, by some deed or writing, he may have a possibility one time or another to enjoy. 1 *Peer Will.* 382.

But if a bankrupt has relations, who may possibly provide or not provide for him, as they shall think fit; this uncertain possibility is no part of the bankrupt's estate, and if he obtains his certificate, will not pass to his creditors; because he had it not in his power to part with his relation's fortune, nor could he tell what his will or intention might be, or whether he would give him any thing or no.

William Davidson having devised a legacy of 600 l. to his son, payable at twenty-one, for which he had obtained a decree, and 637 l. reported due; before he received the money he became a bankrupt, and the commissioners assigned the legacy and benefit of the decree. *Hil. Term, 1701. Toulson v. Grant.* 2 *Vern. Rep.* 432.

The bill was brought by the assignees to have the benefit of the decree; to which the defendants (the executors) demurred; insisting that a legacy was not within the compass or provision of any of the acts made against bankrupts, to be assigned to the creditors.

But the demurrer was over-ruled; and said, that the act of parliament ought to be taken in the most beneficial sense, for the advantage of the creditors.

Of interests which have been determined not to center in the bankrupt.

The defendant, upon marriage of his son, settles lands upon himself for life, remainder to his son for life, &c. and covenants, during his own life, to pay his son 15 l. per annum. The son becomes a bankrupt; the plaintiff, as an assignee, brings the bill against the defendant (the father) to have the benefit of this agreement, and to compel payment of the 15 l. per annum. *Mich. 1690. Moyes v. Litt.* 2 *Vern. Rep.* 194.

Per curiam: an assignee, under a statute of bankrupt, is not intitled to have the performance of an agreement made with the bankrupt; and that it was so adjudged in

the case of Drake and the mayor of Exeter. And therefore dismissed the bill.

Coates possessed of a lease of years, contracted with the committee of the company for a new lease, and paid part of the fine; and, by Coates's consent, a new lease was made to Mosse by the company, and to him executed. Coates was at the time of treaty a bankrupt. The question was, whether the commissioners could assign the lease to the prejudice of Mosse, and Drake's case was cited.

The lord keeper ordered that the plea and demurrer be ousted, and the benefit thereof saved till the hearing; he doubted of the lease: there were other matters for the benefit of Mosse also in the plea.

Of the creditors; who are such, and therein of proving their debts, and how notice of their meeting is to be given; and of debts due to the crown.

Every one to whom the bankrupt is indebted, either on bonds and notes, or by book-debts or simple contracts, by recognizances, statute-staple, or judgments, specialties with penalties, attachments, and securities, where no execution is sued out, are creditors, and have a right to a share in the bankrupt's estate.

Creditors on bonds or notes, by book-debts or simple contract, are equally intitled to a dividend under a commission of bankruptcy, with creditors by judgment, statute, &c. and creditors that have debts due to them payable at a future day, may petition, or join in petitioning, for a commission. 5 *Geo. II. c. 30. s. 22.*

But creditors upon contingent or uncertain debts, or upon bottomry bonds, could not come in as creditors, or prove their debts, till such contingency happened, before passing the subsequent act, viz.

And as merchants and other traders frequently lend money on *bottomree*, or at *respondentia*, and cause their vessels with their cargoes to be insured; and where commissions of bankruptcy have issued against the obligor, or the assurer, &c. before the loss of the ship or goods have happened, it hath been made a question whether the obligee, or the assured, should be let in to prove their debts, or be admitted to have any benefit under such commission, which may be a discouragement to trade: for remedy whereof, it is enacted, that from the 29th of October, 1746, the obligee in any bottomree or respondentia bond, and the assured in any policy of insurance made *bona fide* upon a valuable consideration, shall be admitted to claim; and after the loss or contingency, to prove the debt thereon, in like manner as if the same had happened before the issuing of the commission of bankruptcy; and shall receive a proportionable dividend with the other creditors of the bankrupt's estate; and after the said 29th of October, every bankrupt shall be discharged from the debt on such bond and policy of insurance as aforesaid, and shall have the benefit of all the statutes against bankrupts, in like manner as if such loss or contingency had happened, and the money due thereon had become payable before the time of the issuing of such commission. 19 *Geo. II.*

One seized of lands in fee, owes a debt by statute, and afterwards becomes a bankrupt, and the creditor, by statute, extends the lands, then a commission of bankruptcy is sued out; and whether the lands should be liable to the statute-creditor, was the question.

This was referred by lord chancellor to the judges of the Common Pleas, who held that a creditor by statute, and a statute not sued, and executed before the bankruptcy, should come in only *pro rata*, though there were lands in fee bound by the statute. Sir *George Newland & al.* against ——. 1 *Peer Will.* 92. *Easter Term, 1706.*

In February, 1716, the defendant Fletcher being seized in fee of some lands in Bedfordshire, borrowed 1500 l. of the plaintiff Orlebar, (one of the masters in Chancery) on a judgment afterwards, viz. Aug. 20, 1717, the defendant Fletcher, articulated with the other defendant, the duke of Kent, to sell the premises to the duke in consideration of 5000 l. to be paid down, and 650 l. to be paid at Christmas then next; the duke to be let into possession at Michaelmas; subsequent to which trans-

transactions, the defendant Fletcher becoming a bankrupt, the plaintiff, Mr. Orlebar, brought his bill against the duke of Kent, Fletcher the bankrupt, and the assignees under the commission, praying that the 650 l. remaining in the duke's hands might be paid to the plaintiff towards satisfaction of his judgment.

In the principal case the court said, that the duke could not be deemed a purchaser until he had paid 650 l. which remained in the duke's hands, was part of the personal estate of the bankrupt, and must be liable to his creditors.

Wherefore, *per curiam*, let the assignees convey the premises in fee to the duke of Kent, in the same manner as the bankrupt had articulated to do, they standing in his place; and in consideration of this, let his grace pay the 650 l. to the assignees, for the benefit of the creditors; and as to the plaintiff Mr. Orlebar, the judgment-creditor, he must come in for a proportion only with the rest of them. *Mich. 1721. Orlebar a Fletcher and the duke of Kent. 1 Peer Will. 737. Case 212.*

A draws a bill payable to B on C in Holland for 100 l. C accepts it; afterwards A and C become bankrupts, and B receives 40 l. of the bill out of C's effects, after which he would come in as a creditor for the whole 100 l. out of A's effects. B permitted to come in as a creditor for 60 l. and the master directed to see whether the other 40 l. was paid out of A's effects in C's hands, or out of C's own effects; if the latter, then C is a creditor for this 40 l. also, but if out of A's effects, then the 40 l. of the 100 l. is paid off. *Ex parte Ryfwicke. 2 Peer Will. 89. Hil. T. 1722. Lord Macclesfield.*

A gives a promissory note for 200 l. payable to B or order; B indorses it to C, who indorses it to D. A, B, and C become bankrupts, and D receives five shillings in the pound, on a dividend made by the assignees against A, D shall come in as a creditor for 150 l. only out of B's effects, and if D paid contribution money for more than 150 l. it shall be returned. *Ex parte Lefebure, 2 Peer William 407. Easter Term, 1727, L. C. King.*

Francis Venaker, Esq; (son and heir, and also executor of Nicholas Venaker, his father) plaintiff, sued the commissioners and assignees of a statute of bankruptcy against one Shelbury, to be let in to pay his contribution money, and to have a proportionable benefit of the bankrupt's estate with the rest of the creditors.

The case was, that Shelbury, who was a scrivener, and agent for the plaintiff's father, had got several thousand pounds of the father's money in his hands, for which he had only Shelbury's single bond, on some of which he got judgment and execution on Shelbury's goods, which were appraised, and part thereof came to the father's possession in his life-time, or to his bailiff after his death, and were sold by them. That a commission of bankruptcy was sued out against the said Shelbury by the defendants, who pretend that Shelbury had committed an act of bankruptcy before the father had obtained any judgment against him.

That Leeson and Nash had brought several actions against the now plaintiff and his trustees, in three of which actions they were non-suited; that in another action he had obtained a verdict for 920 l. since which the plaintiff, before any assignment of the bankrupt's estate, hath offered to pay his contribution money, being a creditor for above 6000 l. The commissioners insist that they found Shelbury a bankrupt before the father's judgment, and the assignees say that they have recovered against the plaintiff 53 l. damages, in an action of *trover*, for Shelbury's goods in his hands, &c. But now the council for the plaintiff offering that he should stand in his father's stead, and be accountable for all that the father had received of the bankrupt's estate, and that he should pay a reasonable proportion of contribution money, so that he might be let into the statute, which offers the court decreed should be accepted, and he admitted a creditor accordingly. *Francis Venaker, Esq; v. Edw. Nash, Esq; & al. Finch's Rep. in Chan. fol. 60. Hil. 1673. 25 Car. II.*

The plaintiffs lived in Gloucestershire, where also one Blithe lived, who owed them money, and having committed some acts of bankruptcy, he afterwards came to

an account with the plaintiffs, and sold them several parcels of goods in satisfaction of their debts.

The defendants lived in London, to whom also the said Blithe was indebted; and they having employed a person to discover his estate in the country, and how it had been disposed, and to procure the same to be distributed equally amongst all his creditors; it was at last agreed amongst them, that the plaintiff should wave the disposal of the goods to them already made by the said Blithe, and that they should have an equal distribution with the defendants, in proportion to their respective debts; and for that purpose, that a commission of bankruptcy should be taken out at London, and executed there, and all the said debts put in Hotchpot.

Accordingly a commission was executed at London, but without giving notice thereof to the plaintiffs, or any commissioners sent into the country, to join with the others therein, in order to a perfect discovery of the said Blithe's estate, as agreed on.

And afterwards the defendants prevailed with the commissioners in London, within a month after the execution of the commission, to make an assignment and dividend of the said bankrupt's estate, contrary to the said agreement: intending thereby to exclude the plaintiffs; and now refuse to let them come in for their shares, though they have offered to pay their contribution money, and proportion of the charges of the commission; but have brought actions of *Trover* for the goods so sold and delivered by the said Blithe.

To be relieved against which actions, the plaintiffs have brought this bill; and that the said agreement might be performed, and the dividend made amongst the defendants be set aside, and that the plaintiffs may be let in to have an equal distribution with them.

All which matters appearing to the court, though the defendants denied the said agreements, yet such relief was decreed, as the plaintiffs had prayed. *Ebworth & al. a John Kent & al. Finch's Rep. 326. Mich. 1677. 29. Car. II.*

An action was brought by the plaintiff (an assignee under a commission of bankruptcy) against the commissioners of land tax. In this case, one Farlow was a collector of the land tax, and had collected a great deal of money for the public use, and on July 7th, 1731, absconded and became a bankrupt; and on the 16th of the same month and year, the commissioners brought their warrant, and seized his goods, &c. after a commission was taken out, and assignees appointed. This cause was tried before lord Raymond, and verdict given for the plaintiff, subject to the opinion of this court.

Serjeant D. The only question in this case is, whether the act of bankruptcy so took away the property of the goods before assignment, as to make them cease to be his?

C. J. If any extent be issued out, nay, only one *tested*, before the goods, &c. are assigned, that extent will be good.

D. That is a prerogative case, but this is in the case of a private person. In C. B. in London, 3 Geo. II. Andrews and Sir Mathew Decker's case was tried at Nisi Prius, before chief justice Eyre, and the action was brought against Sir Mathew for a false return to a *Fieri Facias*, viz. *nulla bona*. It appeared on evidence, that goods of the defendant were in the house at the time of the return, but that the party whose goods were to be taken, became a bankrupt before the writ was delivered to the defendant, and that a commission was issued against him, but his goods were not assigned over by the commissioners. Here the commission was held to be a sufficient proof of his being a bankrupt.

Serjeant E. This case concerns the crown, and therefore the property is not altered till assignment, and extent in aid executed before the assignment, is good; so in 3 Keb. 14. The crown is not bound by statutes relating to bankrupts; so Sir William Jones 203. An extent and a warrant from the commissioners of the land tax, alters only the manner of collecting the money of the crown. By the statute of 3 Geo. II. fol. 25th, if any collector refuses to pay the money which he has collected, any commissioner may commit him, and seize his estate; and this is a new law, and shall controul all the former resolutions, 3 Lev. 69. 191. S. C.

D. This case does not concern the crown; for by the statute 3 Geo. II. fol. 18. it appears that the seizure of the collector's estate is for the benefit of the parish, which is answerable for the money at all events; therefore the parish is to return to the commissioners substantial men to be collectors and assessors, and the money collected comes not to the crown till it is paid into the hands of the receiver.

C. J. In this case are two questions, the first is, whether if this be the case of a private person, what effect an act of bankruptcy has on the goods in that case, before an assignment? In the case of a private person, there is no actual vesting the bankrupt's estate before assignment, because the commissioners have only a power of disposal; but after assignment, they vest to many purposes by relation from the time of the bankruptcy, as to avoid the acts done by the bankrupt himself; and therefore I think if a judgment be given against one before a bankruptcy, and the execution be completely executed by sale of the goods and payment of the money over before the assignment, that the execution will be good. But here in the case of a private person the execution would not be completed, for the goods were not disposed of by the officer before the assignment; and then I think this commission will overreach it. So the question is, whether this is a prerogative case? And it seems to me that it is; for though the money when levied is to be applied to the public use, yet it is always considered as money of the crown; and therefore it is always recovered by the prerogative power; and I think it hard to imagine, that the summary redemptions given to the commissioners by the statute of 3 Geo. II. should put the crown in a worse case than it was before; and if an extent in this case had been sued out, the goods would have been bound even from the *test* of it; and there could be no relation.

The question here is, whether this warrant can have the same effect as an extent would have had? As to the parish being liable, that makes not less the money of the crown than before, for that is only giving the crown a double security for the money. And in the case of Box and Norton, it was held, that an extent and execution, after assignment, would be good: the other judges said little to it. See Salkeld 111. contrary to Andrews's case, cited by Darnall, and *per Curiam*. It was ordered to stand over. *Mich. 7 Geo. II. Brasseley a Dawson*, K. B. before lord Raymond.

A sells land to B, who afterwards became a bankrupt, part of the purchase money not being paid. A shall not be bound to come in as a creditor under the statute, but the land shall stand charged with the money unpaid, tho' no agreement for that purpose. 1 *Vern. 267. Mich. 1684. Chapman a Tanner*.

If there be an act of bankruptcy committed, and a creditor obtains a judgment subsequent to it, now the judgment is thereby avoided. *Easter term, 13 Wil. III. Holt. at N. P.*

A and B were sureties for C for the payment of some money, and had counter-bonds to save them harmless; the money was not paid at the day, and the sureties paid it, and afterwards C became bankrupt; the question was, whether they were creditors within the statute, and it was resolved that they were; and so it has been determined in several subsequent cases. 2 *Cro. Rep. 127. Osborn et al. a Churchman*.

No commission of bankruptcy can remove or carry away any goods belonging to a bankrupt, till all the rent due to a landlord is paid, although there be several years in arrears, provided the landlord seizes for rent before the goods are removed; but if the landlord does not seize before the commission takes the goods off the premises, he must then come in as a creditor with the rest of the bankrupt's creditors.

Also if there are not sufficient goods upon the premises to pay the landlord's rent, he can only take what goods there are, and after they are appraised and sold, as the law in cases of distress for rent directs, then the landlord may come in as a creditor for the rent remaining due, with the rest of the creditors.

All debts due to the crown are preferable, and to be paid before any others, except where an estate or interest

is incumbered, conveyed, or consigned, prior to such debts due to the crown; and in the case of a landlord, where a year's rent is to be retained before an extent can take place.

And in the case of a commission of bankruptcy, if an extent is taken out the same day and executed with the commission, the extent shall take place, and carry away the effects before the commission; and according to the case of Brasseley and Dawson an extent shall take place from the *test* of the writ, though not executed till some days after a commission of bankruptcy; and notwithstanding an immediate assignment has been made of the estate and effects.

But if an assignment is made before the execution, or the *test* of the extent, such assignment takes place before the crown, and the crown can then only come in as a creditor, *pari passu*, with the rest of the bankrupt's creditors; which the following cases will make appear.

Mr. Solicitor prayed the king's process might take place against the assignee of commissioners, the defendant being a bankrupt; which by the court cannot be, unless seizure be made and returned by inquest before the assignment; also this not being an immediate debt, but in aid of receivers, who were jointly bound with Monk, the court refused to deliver money, till an inquest be returned of this particular debt, though Clayton himself was sheriff, and would return none; and an adjournment till notice to the king's attorney. *Monk a Clayton, 3 Keb. 14. Easter 24. Car. II. Mod. Rep. 93. pl. 1.*

Mr. Attorney Finch prayed, that money of the plaintiff's, being a bankrupt and an immediate debtor to the king by returns of money from the commissioners of the excise (which in truth was from one Thistlewait a collector) might not be delivered out of the court to the assignee of the commissioners. On Norwich's case, 4 *Car. I.* in the exchequer, that the king in such case shall be first satisfied; contrary, where his debt is but in aid of another. But it was not allowed, but the money ruled to be delivered to the assignees, and that the king may by *Scire Facias* against them recover it. *Monk a Clayton Mich. 24. Car. II.*

The commissioners shall forthwith, after they have declared the person a bankrupt, cause notice thereof to be given in the Gazette, and shall appoint time and place for the creditors to meet (which meeting for the city of London, and all places within the bills of mortality, shall be at Guildhall) in order to chuse assignees; at which meeting the commissioners shall admit the proof of any creditor's debt that shall live remote from the place of such meeting, by affidavit or solemn affirmation, and permit any person duly authorized by letters of attorney (oath or affirmation being made of the execution thereof, either by an affidavit sworn, or affirmation made before a master in chancery, ordinary or extraordinary, or before the commissioners *vis a voce*; and in case of the creditors residing in foreign parts, such affidavits or affirmations to be made before a magistrate, where the party shall be residing, and shall together with such creditors letters of attorney, be attested by a notary public) to vote in the choice of assignees, in the place of such creditor. 5 *Geo. II. C. 30. S. 26.*

An oath of a creditor for proving his debt before the commissioners.

"You shall swear that C D, late of *£c.* at the time of his becoming a bankrupt was justly and *bona fide* indebted to you in the sum of *£c.* and that you have not since that time been any ways paid or satisfied for the same or any part thereof."

Note, Every man is to subscribe his debt, and the commissioners are to enquire whether the debts were contracted during the trade.

Where copartners are bankrupts, having joint and separate estates and creditors.

Of two partners, brewers, the one becomes bankrupt, and the whole debt was assigned over; but it was resolved that the assignee should only recover a moiety, because

cause only one moiety paid by the assignment. *Rushworth v. Hodson*. 2 Show Rep. 103. *Easter* term, 32. Car. II.

If there are accounts between two merchants, and one of them becomes bankrupt; the course is not to make the other, who perhaps, upon stating the accounts, is found indebted to the bankrupt, to pay the whole that was originally intrusted to him, and to put him for the recovery of what the bankrupt owes him into the same condition with the rest of the creditors, but to make him pay that only which appears due to the bankrupt on the foot of the account, otherwise it will be for accounts betwixt them, after the time of the other's becoming bankrupt, if any such were. *Nelson*. Lutw. 85. 219. 135. *Gibson*. Per. North. C. J. 1 Mod. Rep. 215. *Trin.* Term, 28 Car. II. B. R.

If there be several joint partners, and a person has dealings generally with one of them in matters concerning their joint trade, whereby a debt becomes due to the said person, it shall charge them jointly, and the survivors of them: but if in case the person had rather deal with one of them upon his own separate account, he must make his agreement specially; in which case the debt shall be only his and his executors, and shall not survive. At *Nisi Prius*, C. Holt. 13. *Wil.* III. C. in B. R. 446.

If one or more of the joint traders become bankrupt, his or their proportions are only assignable by the commissioners, to be held in common with the rest who were not bankrupts.

If there be an act of bankruptcy committed, and a creditor obtains judgment subsequent to it, then a commission is taken out; now the judgment is thereby avoided.

If there be several joint traders, payment to one of them is payment to all. So if they all, except him to whom the payment was made, were bankrupts, the payment is only unavoidable as to his proportion. And if there be four partners, whereof three are bankrupts, and their shares assigned, and a payment was made to him that was not bankrupt, it is a payment to all the assignees, for now they are all partners.

A and B became partners in some iron mills, and some time after A alleged that B had not brought in his proportion of the stock, and had wasted the joint stock, for which he brought a bill against him to be relieved, and the matter by consent was referred, and the referee awarded that B should (in consideration of the above allegations being proved) deliver to A what remained of the joint stock, and the lease of the iron mills to be by him enjoyed to his own use, and general releases to be given; which award, after exceptions taken to it, was afterwards confirmed and decreed by the court. B was afterwards found a bankrupt, and the plaintiff being a creditor to him by bond, had an assignment made to him by the commissioners, and brought a bill to have an account of B's estate that came to the hands of A. and alleged if any such award was made, it was after such time as B became a bankrupt; but there appearing no fraud in the obtaining of the award, and the same being in an adversary cause, and the award afterwards excepted to, &c. although B might be then a bankrupt, yet not being known to be so at the time of the award, the court decreed such award ought to stand. *Quere*, If the decree upon a rehearing was not reversed? *Whitacre v. Pawlin* 2 Vern. *Easter* Term, 1691.

A B and C were partners in trade, and C embezzles the joint-stock, contracts private debts, and becomes a bankrupt: the commissioners assign the goods in partnership, and A the plaintiff brought a bill for an account, and to have the goods sold to the best advantage, and insisted that out of the produce of them, the debts owing by the joint trade ought first to be paid, and that out of C's share satisfaction must be made for what he had wasted; and that the assignees could be in no better a case than the bankrupt, and were intitled only to what this third part would amount to, clear, after debts paid, and deductions for his embezzlement. And the court seemed to be of that opinion; but sent it to a master to take the account and state the case. *Richardson v. Goodwin*, &c. 2 Vern. 292. *Trin.* Term, 1693. See the case of *Goff* and *Dufresnay* post.

A and B being joint traders, a commission of bankruptcy issued against them; their separate creditors applied by petition, that they might be let in for their debts upon the respective separate estates of the bankrupts under that joint

commission, as the separate estates were of small value, and would not bear the charge of taking out two new commissions against them respectively.

The lord chancellor ordered them to be let in to prove their separate debts upon the joint commission, they paying contribution to the charge of it; and directed, that as the joint or partnership estate was first to be applied to pay the partnership debts; and as separate creditors are not to be let in upon the joint estate, until all the joint debts are first paid; so likewise the creditors to the partnership shall not come in for any deficiency of the joint estate, upon the separate estate, until the separate debts are first paid. *Ex parte Crowder*. 2 Vern. 706. *Mich.* Term. 1715.

Two joint traders becoming bankrupts, first there is a joint commission taken out, and the commissioners assign the real and personal estate of them both, or either of them; and afterwards separate commissions are taken out against them, and an assignment is made by the commissioners of these commissions to other assignees, and these apply by petition to the court, that they might be at liberty to sue at law for the separate estates; but the lord chancellor decreed, that the assignment made by the commissioners upon the joint commission, passes as well the separate as the joint estate of the two bankrupt partners, therefore the assignees on the separate commissions can make nothing of their action at law, and he would not suffer them to spend the estate in vexatious suits there, but if they would join in a bill in equity for an account of the separate estates, he would not hinder them. *Ex parte Cook*. 2 Peer William 500. *Mich.* Term, 1728. L. C. King.

It is settled, and is a resolution of convenience, that the joint creditors shall be first paid out of the partnership or joint estate, and the separate creditors out of the separate estate of each partner; and if any surplus of the joint estate, besides what will pay the joint creditors, shall be applied to pay the separate creditors; and if a surplus of the separate estate, beyond what will satisfy the separate creditors, it shall go to supply any deficiency that may remain as to the joint creditors: but for the ease of both parties, let it be referred to a commissioner in each commission, to take an account of the whole partnership effects, and of the separate state and effects of each of the partners; and if the commissioners find any thing difficult, they are to state it specially; and with regard to the surplus of the partnership effects, beyond what will pay the partnership debts, and the surplus of the separate effects, if any, above what will pay the separate debts, each side to apply to the court for such surplus. 2. Vern. 6. 7. *ex parte Crowder*, as mentioned before.

If there are two joint traders and one of them becomes a bankrupt, the commissioners cannot meddle with the interest of the other, for it is not affected by the bankruptcy of his companion. *Holt*. Rep. 2. Sal. 59. 61. *Easter*, 7 Will. III. per Holt. C. J.

The defendant A being indebted to the plaintiffs, became bound to them in several bonds; and the said A and the defendant B were for several years copartners, by whose articles of copartnership A was intitled to two thirds of the whole stock, and B to one third: the said A and B became bankrupts, and a commission was awarded against them; the commissioners of the said bankrupts assigned all their estates to the defendant C and others, refusing to let the plaintiffs (creditors of the bankrupts) come in, and intended to divide the estate among the joint creditors of both the bankrupts, by reason whereof the plaintiffs debts will be utterly lost.

The defendant insists, that it was agreed by indentures of copartnership, that all such debts as should be owing on the joint account, should be paid out of the joint stock, and at the end of the partnership, each copartner take and receive to his own use his share of the joint stock; and that the joint stock or trade shall not be charged with the private or particular debts of either of the partners, but that each should pay their private debts out of their particular estates not included in the joint stock; that if both of the said parties should be living at the end of the first three years, of the six years, that the said B should come in joint partner accordingly; and during the said joint trade, the copartners became jointly indebted to the other

other defendants C. &c. in 6000*l.* and that A became indebted to the plaintiffs as aforesaid, without the consent of B, and the money due upon the said bonds was not brought into the account of the joint stock; and the said A was only a surety, and received none of the money; and the defendants insisted that the joint creditors ought to be first paid out of the estate in partnership, and that the commissioners have no power to grant the joint estate to pay the plaintiffs, they being separate creditors of A, and if a surplus of the joint estate, after the joint creditors paid, then the plaintiffs can have but a joint moiety of such surplus towards their satisfaction, the said B's moiety not being liable to pay the said A his separate debts; and the debts then claiming were the proper debts of the said A, and yet after all the joint debts are paid, there will be an overplus, so that thereby the said B will be discharged and have money paid unto him; but if the plaintiff and other separate creditors of A's be admitted to the joint estate, there will not be sufficient to pay the joint creditors, so that thereby not only B's estate will be applied to pay A's debts, but will be liable to the joint creditors: but there can be no division of the joint estate, whereby to charge any part thereof with the private debts of either party; and till the joint debts are paid, and till division made of the surplus, both parties are alike interested in every part of the said joint stock; that the commissioners have no power by the commission to administer an oath to the plaintiffs for proof of their debts, they claiming debts from the said A only, and the commission is against A and B jointly, and not severally; and therefore cannot admit the plaintiffs creditors.

The court declared, that the estate belonging to the joint trade, as also the debts due from the same, ought to be divided into moieties, and that each moiety of the estate ought to be charged in the first place with a moiety of the said joint debts; and if there be enough to pay all the debts belonging to the joint trade, with an overplus, then such overplus ought to be applied to pay the particular debts of each partner; but if sufficient shall not appear to pay all the joint debts, and if either of the said partners shall pay more than a moiety of the said joint debts, then such partner is to come in before the said commissioners, and be admitted as a creditor for what he shall so pay over and above the moiety; and was decreed accordingly. *Widows and Berman. Craven & al. and Knight. Chan. Rep. Easter Term, 25 Car. II.*

Four bookellers entered into partnership for carrying on a joint trade, and being then all in Holland, according to the custom of the country, appeared before a notary, and executed articles of copartnership, declaring jointly and separately, that each had advanced 24600 guilders, total 98400 guilders, which sum was to pay all the debts they had then contracted, as mentioned in an inventory; but no debts should be paid not mentioned in the said inventory, nor any debts which either of the copartners might contract on his own private account; that a sum agreed on between them should be allowed for maintenance; and that all loss and gain should be equally shared and born, with other usual covenants.

The copartnership was carried on from November 1725 to May 1728, when one of the partners, for a sum agreed on to be paid him, quitted and released his claim to the other three, between whom the articles were continued and carried on, on the first foot, and one of whom was intrusted with the goods in shop and warehouse.

But he became profuse, and embezzled the copartnership stock, and applied the same to his own use, and suffered the partnership debts to be unpaid; and having contracted private debts on his own account, became a bankrupt, and a separate commission was taken out against him.

The messenger took possession of the partnership goods, and the commissioners executed an assignment to the defendants, who in consequence thereof took possession of the partnership goods and books, and received several of the partnership debts, and were getting in the rest, with an intention to apply them to the payment of the separate creditors, whereas the goods are copartnership goods, and ought to be applied to pay the copartnership debts, and to make the plaintiffs satisfaction for what the bankrupt had embezzled for his own separate use, and the residue to be

divided into equal parts, two thirds to the plaintiffs, and one third to the bankrupt, to which he is intitled, and is to be part of his separate estate; this was the prayer of the plaintiffs bill, as that the defendants may be restrained from selling any part without the plaintiffs concurrence.

The assignees admit the bill, and the articles, that they have taken possession and sold some of the stock with consent of the plaintiffs, and have set forth an account in the schedule to their answer, of the stock, and submit to apply the estate as the court shall direct; and lord Talbot was pleased to decree as follows:

1. That it should be referred to Mr. Lightbourn to take an account of the partnership debts received by the plaintiffs in Holland.

2. To take an account of the partnership estate in England, received by the assignees, or any for their use.

3. To take an account of the partnership debts owing by the bankrupt and the plaintiffs.

4. To cause an advertisement for the joint creditors of the bankrupt and plaintiffs to come in and prove their debts.

5. To take an account of what embezzlements the bankrupt has made of the copartnership estate; and in taking accounts, plaintiffs and defendants to be examined on oath, to produce all books, &c. and to have all just allowances.

6. That what the master shall certify the copartnership debts shall amount to, shall, in the first place, be paid by the plaintiffs and defendants to the joint creditors in proportion to their debts, and as far as the copartnership estate in their hands will extend.

7. That if it shall appear any of the partnership estate remains in the plaintiffs and defendants hands, after the partnership debts are paid, then the master to divide the same into three parts.

8. And the plaintiffs are to take two thirds, and out of the bankrupt's one third part, they are to take what it shall appear he has embezzled of the partnership estate.

9. And if there shall be any residue of the bankrupt's third part, after the partnership debts, and the bankrupt's embezzlements are satisfied, then the same is to be paid to or retained by the assignees for the benefit of the bankrupt's separate creditors.

10. The master may state any thing specially; and all parties are to be paid their costs of this suit out of the copartnership estate, to be taxed by the master. 28 March, 1734. *Peter Grosz and John Neaulme plaintiffs. Sam. Dufresnoy & al. Complainants.*

On the 11th of September, 1742, a joint commission issued against Peter Powell and Peter Powell the younger, of Exeter, and the commissioners executed an assignment of the estate and effects to the assignees that were chosen, and they, by virtue of the said assignment, possessed themselves of all the joint and separate estate of the bankrupts.

And the said bankrupts, having several separate creditors, they the said creditors, in a petition to the lord chancellor, set forth their said several separate debts, and that they had applied to the commissioners to be admitted creditors, which they refused, as this was a joint commission, and they therefore prayed, that they might come in and prove their debts under the said joint commission, and that the commissioners might take joint and separate accounts of the joint and separate estates; and that what should be found on such accounts to belong to the separate estates, might be applied by the assignees towards satisfaction of the respective separate creditors; and that the petitioners might be paid their costs of the application by the assignees.

Upon which petition, his lordship ordered as follows:

1. Let the commissioners give notice in the London Gazette, appointing a time and place, when and where the separate creditors of each of the bankrupts are to be at liberty to prove those debts under the joint commission.

2. Let the commissioners take separate accounts of the joint and respective separate estate of the bankrupts, come to the assignees hands, or of any others by their order,

order, or for their use, distinguishing the joint and separate estate of Peter Powell, as also the joint and separate estate of Peter Powell the younger, from each other.

3. That what on such account shall belong to the bankrupt's joint estate, shall be applied by the assignees towards satisfaction of the joint creditors; and in case there shall be any surplus of the joint estate, after all the joint creditors shall be paid their whole demands, then the moiety of the surplus is to be carried to the account of the separate estate, and to be applied to satisfy the separate creditors respectively.

4. And if there is any surplus of the separate estates, after all the separate creditors shall be paid their whole demands, then such surplus of the separate estates, or either of them, is to be carried to the account of the joint estate, and to be applied towards satisfaction of the joint creditors; and let the respective separate estates bear a proportionable part of the charge of suing out the commission, and executing it, to be appointed by the commissioners; and let the costs of this application be paid the petitioners by the assignees out of the bankrupt's separate estate; and let it be referred to Mr. Bennet to tax the costs, if the parties cannot agree. *December 23, 1742. Lord Hardwicke's Order.*

On 2 February, 1742, a separate commission of bankruptcy was taken out against William Crispe, by William Perritt, plaisterer. Crispe was a partner with Edward Burnaby, Esq; and captain Barbett, in the undertaking of building of Ranelagh amphitheatre; and this debt, which amounted to 426 l. or thereabouts, was part of a sum of money due to Perritt, for plaisterers work done in and about the said amphitheatre.

Crispe petitioned the lord chancellor to supersede the commission, insinuating that this was a joint debt, and that he did not owe Perritt any thing on his separate account; on the 18th of February, 1742, this petition was heard before his lordship, and on hearing council on both sides, and it not then appearing to his lordship whether Crispe was, or was not, a bankrupt, his lordship did order the commissioners to execute a provisional assignment; and did direct an issue to be tried in an action of trover before the lord chief justice Willes in London, wherein the said William Crispe was to be plaintiff, and such assignee defendant, and in which the point of bankruptcy would come in question.

And on the 9th of June, 1743, the cause was tried at the sittings in London, and by a special jury, between the said William Crispe, plaintiff, and William Perritt (who was chose provisional assignee) defendant.

And the issuing the commission, the joint debt of Perritt, the assignment, and an act of bankruptcy committed by Crispe, was proved; and after his lordship had clearly and fully summed up the evidence to the jury, it appearing to them to be a joint debt, they were pleased to give a verdict for the plaintiff Crispe, with 10 l. damages, and 40 s. costs, and did not find him bankrupt for this debt. But a point of law arising, the last clause made in the tenth year of queen Anne was read, which declares, that the discharge of any bankrupt by force of any acts relating to bankrupts, from the debts owing by him, at the time he became bankrupt, shall not be construed, nor was intended or meant, to release or discharge any other person or persons, who was or were partner or partners with the said bankrupt in trade, at the time he became bankrupt, or then stood jointly bound with him for the said debts, from which he was discharged; but that notwithstanding such discharge, such partners or joint obligers with such bankrupts, shall be and stand chargeable with, and liable to pay such debts, and to perform such contracts, as if the said bankrupt had never been discharged for the same.

And the case was drawn up, and approved of by the lord chief justice for the opinion of the court of Common Pleas.

Where the question was, whether a separate commission can be taken out for a joint debt, which was learnedly spoke to on both sides; but the court came to no opinion.

And it came again to be argued before the lord chief justice Willes on the same question; when after hearing the reasons offered *pro* and *con*, by the learned council,

the court gave judgment, and the lord chief justice delivered its opinion; and his lordship, Mr. Justice Abney, and Mr. Justice Burnet, were all of opinion, from the cases which had been cited, and the reasons and precedents that had been laid before them, that the commission was regularly issued, and that a joint creditor had a right to take out a separate commission, and therefore made the following rule. *3 Feb. 1743.*

William Crispe against William Perritt; *ordered*, that the verdict found for the plaintiff be void, and that a verdict be entered for the defendant. *5 May, 1743.*

And on the 11th of May, 1744, Perritt preferred his petition to the lord chancellor, setting forth the several steps and proceedings, and the determination of the court in this case (and Crispe having, pursuant to his lordship's order of the 18th of February, 1742, deposited 100 l. in the bank, in the name of the accomptant-general, to be placed to the credit of this matter, and in order to stay all proceedings under the commission) he therefore prayed his lordship to discharge his order of the 18th of February, 1742, and that the commissioners might be at liberty to proceed in the execution of the commission, and that the 100 l. paid into the bank by Crispe, might be paid him towards the costs which he had been put to, on account of suing out the commission, and proceedings at law.

And on the 24th of May, 1744, such petition was heard before his lordship; and his lordship, after hearing council on both sides, ordered that the major part of the commissioners named in the said commission should be at liberty to proceed in the execution thereof, and that the 100 l. paid into the bank of England should be paid to Perritt, as part of the bankrupt's estate and effects.

And on the 26th of May, 1744, Crispe was declared a bankrupt in the Gazette.

How far the commissioners shall over-reach the acts of a bankrupt, from the time of the act of bankruptcy committed.

1st. As to the bankrupt's receiving debts due to him from debtors.

2dly. As to his selling his goods *bona fide*.

3dly. As to his selling and mortgaging his lands.

4thly. As to his mortgaging or pledging his goods.

5thly. As to his paying debts.

And, 1st. A bankrupt may receive his debts after the act of bankruptcy, from such debtors as do not know him to be a bankrupt, and the payment will be good. *1 Jac. I. cap. 15.*

2dly. All persons buying goods of a bankrupt, not knowing him to be so, and paying for them *bona fide*, shall be received in the equity of the *proviso*. *1 Jac. I. c. 15. 2 Show. 522. Cases in Chan. 156. Wagstaff and Read. 72. Perrat a Ballard*, where it seems to be taken that though goods were bought and paid for, they may be recovered at law, though not in equity. Fowel's case cited by Lord North. *Skin. 149. 3 Lev. 58. 21.*

And contracts where there is *quid pro quo*, the bankruptcy shall not over-reach.

And the reason is, that if was otherwise, it would be a great prejudice to trade, inasmuch that it would not be carried on with any safety, and the law would be a snare for the innocent, and fair contractor, who cannot possibly have any notice of the act of bankruptcy; as the following abstract of 19 Geo. II. p. 515, clearly determines.

The preamble observes, that many persons within the description of, and liable to the statutes concerning bankrupts, frequently commit secret acts of bankruptcy unknown to their creditors, and other persons with whom they have dealings; and after committing thereof, continue to appear publicly, and carry on business, by buying and selling of goods, drawing, accepting, and negotiating bills of exchange, and paying and receiving money on account thereof in the usual way of trade, and in the same open manner as if they were solvent and not become bankrupt: and as the permitting such secret acts of bankruptcy to defeat payments really made in the cases and circumstances above-mentioned, where the persons receiving the same had no notice of, or were privy to their having committed any act of bankruptcy, will be a discouragement to trade, and a prejudice to credit in general: *it is therefore enacted*, that after the

29th of October, 1746, no real creditor of a bankrupt, in respect of goods fold to, or bills of exchange really drawn, negotiated, or accepted by such bankrupt in course of dealing, shall be liable to refund to the assignees of the bankrupt's estate, any money, which before the suing forth of such commission was really in the course of trade received by him of such bankrupt, before he had knowledge or notice of his becoming a bankrupt, or being in insolvent circumstances.

3dly. If a man sells or mortgages his lands, the bankruptcy will over-reach it, although the purchaser had no notice of the bankruptcy, if the commission issued within five years after the act of bankruptcy; because this is a mischief which does not immediately concern trade, and he who buys land does it at his peril, subject to all such incumbrances as lands are liable to. 2 *Show. 522.*

4thly. If a man mortgages or pledges his goods after an act of bankruptcy, the commission will over-reach it, because the mortgage or pawning goods does not immediately concern trade, as buying and selling does, and he who takes a pawn, does it at his peril.

5thly. If a bankrupt pays debts after the bankruptcy, the assignees may recover again the money; if it were otherwise, it would be in the power of the bankrupt to prefer such creditors as he should think fit, which is contrary to the design of the statutes concerning bankrupts, which is to put all creditors upon a footing.

A remarkable case tried under a second commission of bankruptcy.

On 17 May, 1735, a commission of bankruptcy issued against William Kell of London, merchant, who was found a bankrupt, and submitted to the statutes, and finished his last examination, but never obtained his certificate under such commission.

Afterwards he set up the trade of a distiller near Maidenhead in Berkshire; and becoming acquainted with one Ashley, they entered into copartnership (on the 1st of August, 1741) to carry on the trade of distilling and rectifying molasses spirits, for five years or thereabouts, and during this copartnership, Ashley took off all, or most of the spirits which Kell distilled.

Afterwards some disputes arising between them, and Kell being debtor to Ashley on a separate account (exclusive of the copartnership) Ashley, on the 2d of July, 1742, took out a second commission against Kell, and was chose sole assignee of his estate and effects; but Kell having in all respects submitted to the statutes relating to bankrupts, Ashley and the rest of Kell's creditors signed his certificate under this second commission, which was duly confirmed and enrolled; and Ashley fold back to Kell several parcels of his household goods, and part of his stock in trade, as a distiller; for part of which goods Kell paid Ashley in money, and for the remainder, amounting in value to 100l. or thereabouts, Kell gave Ashley a bond for 100l. dated the 28th of October, 1742, payable with interest in six months, at five *per cent.* and Ashley promised to deal with Kell afterwards.

Then Kell again set up the trade of a distiller on his own account, and Ashley dealt with him, and paid him for two parcels of spirits, after the rate of 4s. *per* gallon, to the amount of 88l. 16s.

On the 4th and 28th days of April, 1743, Kell sent Ashley two other parcels of spirits, at the same price, amounting to 184l. 4s. and Kell's bond of 100l. being then due to Ashley, and Kell being unwilling that his bond should be out against him, he desired Ashley to pay himself out of the goods, for the bond and interest due to him, and only give him the balance for the spirits.

But instead of so doing, Ashley in Easter term, 1743, brings an action against Kell for the 100l. and interest due on the bond, and holds Kell to bail; and at the same time, by the messenger under the commission, seizes the spirits, amounting to 182l. 4s. as assignee under the second commission, and he insisted to retain the same, in trust for himself and the other creditors of Kell, under the second commission, by virtue of the ninth clause of 5 George II. Ashley proceeded in his action, and Kell by way of set-off to the debt pleaded, that before the bringing of this action, Ashley was indebted to him in a much larger sum, viz. in 184l. 4s. for goods fold and delivered, out of which sum Kell was willing to allow

the principal and interest due to Ashley on his bond; and upon this issue was joined.

Pending this action, Kell filed a bill (Michaelmas term, 1743) in Chancery against Ashley, and prayed that Ashley might discover, whether he had not agreed to purchase such goods of him, and if such goods did not come to his possession; and to be relieved in several other matters complained of in such bill, and that Ashley might be enjoined from proceeding in such action.

To this bill Ashley put in his answer, in which he denied the spirits were ever sold to him, or that he ever promised to pay for them, and he insisted upon his right of retaining them as assignee under the second commission, by virtue of the above-mentioned clause, Kell's effects under the second commission not amounting to pay fifteen shillings in the pound; but whether such goods were, or were not, rightly seized, he was advised was a matter that ought to be tried at law, where Kell (if at all) had his remedy; and the court did not think proper to grant an injunction, but sent the parties to law, and then Ashley proceeded in the cause.

And on the 30th of November, 1743, it was tried before the lord chief justice Lee at Guildhall.

And upon the argument of this case, it was insisted by the council for Ashley, that these goods were not the property of Kell, and therefore that he could not sell them; but that they came to Ashley, as assignee under the second commission.

That Ashley had the spirits, but not as a buyer, and that by the afore-mentioned clause, Kell's future effects were liable, he not having paid fifteen shillings in the pound; and consequently that the goods belonged to the assignee, either under the first or second commission.

But by Kell's council, it was insisted that Kell was never discharged by the act of 5 George II. after 24 June, 1732, except by the last commission; and therefore possibly could not be within the intent of that act, having but once had the benefit of it.

That supposing Kell's future effects had been liable to his creditors by the aforesaid clause, that Ashley could not in any manner seize them as assignee under the second commission; and if he had a right, he must have proceeded in a legal way, and have brought his action against Kell, and then Kell would have pleaded his certificate in discharge of his person, and let Ashley have taken judgment against his goods, as in the case of an insolvent debtor; but that this was by no means Kell's case, he not being within the meaning of the clause of the act, as having but once had relief.

And his lordship, after having with great judgment stated the case (and summed up the evidence) to the jury, was clearly of the same opinion with the gentlemen who were council for Kell, that his case was not within the intent and meaning of that clause, and that the taking of the goods by Ashley, as assignee, was illegal; and the jury, concurring with his lordship, found the plea of the defendant Kell to be true, as was alledged, and therefore gave a verdict for him.

But the L. C. J. gave Ashley leave to move, if he thought proper, in arrest of judgment, within six days of Hillary term then next; and Ashley not moving in arrest of judgment in all Hillary term, the L. C. J. ordered the *posse* to be delivered to the defendant Kell's attorney, who thereupon taxed the costs at 30l. and took out execution against Ashley for such costs, which Ashley paid the said attorney.

And after Ashley had paid Kell's costs, in Easter term following, Ashley moved in arrest of judgment, and a rule was made for Kell's attorney to attend with the *posse*.

And the same arguments were made use of before the court of King's-Bench by the council on both sides, as were at the trial of the cause; but the whole court were also of opinion that the verdict was right, and intirely concurred with the L. C. J. Lee in his judgment, and therefore they discharged the plaintiff's rule.

And in Trinity term, 1744, Kell brought an action in the court of Common-Pleas against Ashley, for the balance of the sum of 184l. 4s. due for the spirits.

And on the 23d of June, 1744, this cause was tried at Guildhall, before the L. C. J. Willes, where the same arguments were made use of by the council, both for plaintiff and defendant, as were insisted on before the L. C. J.

L. C. J. Lee, at the first trial, and before the court of King's-Bench, on the special argument of this case; but the L. C. J. Willes, upon stating it, and fully summing up the evidence to the jury, was clearly of the same opinion with the L. C. J. Lee, and the court of King's-Bench, and was pleased to make this observation, viz. That by the very clause in the act of parliament, the effects of a bankrupt that had received the benefit of the act, according to that clause, remained liable to his creditors, as before the making of that act; but that it could never be supposed that they were liable to be seized in a summary way, without a legal trial, by an assignee, because nothing was vested in the assignee but what the bankrupt had before he was a bankrupt, and Kell had not received the benefit of the act.

And the jury being of the same opinion, they therefore gave a verdict in his action for the plaintiff Kell, for 54l. 18s. besides costs of suit; being what was proved to be the value of the spirits, after some allowances were made for waste and leakage, and after the bond of 100l. and interest was paid by Kell to Ashley.

Of factors and executors becoming bankrupts, having effects of other persons in their hands.

The Bonnells were considerable merchants here in London, and had two bales of silk consigned them by Altenory and Alteory from Leghorn; but before the ship failed, advice arrived there, that the Bonnells were failed; and thereupon Altenory and Alteory altered the consignment of the silks, and made it to the defendant.

On which the plaintiffs, being assignees under the statute against the Bonnells, brought their bills for a discovery and relief.

Upon the first hearing the court ordered all letters, &c. to be produced, and that the parties proceed to a trial in trover, to see whether the first consignment, notwithstanding the altering thereof, and new consignment made before the ship failed, vested the property of those silks in the Bonnells; and upon the trial and verdict being given for the plaintiffs, the cause now came on upon the equity reserved.

The court declared, the plaintiffs ought not to have had so much as a discovery, much less any relief in this court, in regard that the silks were the goods of two Florentines, and not of the Bonnells, nor the produce of their effects; and therefore they having paid no money for the goods, if the Italians could by any means get their goods again into their hands, or prevent their coming into the hands of the bankrupts, it was but lawful for them so to do, and very allowable in equity.

And it was decreed, that if any thing was due from the Italians to the Bonnells, that should be paid the plaintiffs; but they should not have the value of the silks, by virtue of the consignment or verdict, and put the Italians to come in as creditors under the statute of bankrupts. *Wise man a Vandeput, 2 Vern. 303 Hill. 1690.*

A made a bill of some leases and personal estate to B and C, in trust to pay A's debts; B at first acted in the trust, but afterwards C took the whole into his possession, and acted alone, and became a bankrupt.

And A brought a bill against C and others, to bring C and his assignees to an account, touching the personal estate of A so assigned, in trust for the payment of his debts as aforesaid.

And his lordship declaring, that he thought the 21 Jac. I. sect. 10. to govern this case, dismissed the plaintiff's bill with costs.

But farther argument being granted on the case, his lordship held that it was not within the above-mentioned clause and statute, in regard this assignment was with an honest intent, viz. for the payment of the debts of the assignor.

And therefore he ordered the assignees of C to account for all the estate of A, which the court declared should not be liable to the bankruptcy of C. *Copeman a Gallant before Lord Cowper. 1 Peer Will. 314. Trinity term, 1716.*

The plaintiffs brought an action against the defendants, for money had and received to the plaintiffs use; and the case was as follows:

The plaintiffs being concerned as partners in a large quantity of tar, consigned it to Richard Scott, who was their factor, and brother to one of the plaintiffs (between

which two brothers there had been mutual dealings and accounts, which were at that time unsettled.)

The ship arrived in the Thames, with the goods from Carolina, on the 22d of May, 1739, of which the factor had before received a bill of lading, and on the 28th of March following he sold the said tar to Mess. Cornelius and Jeremiah Owen, who agreed to pay for it in promissory notes, payable in four months after the delivery of the said goods, and that a debt of 31l. at that time owing to the buyers from the factor, upon his own private account, should be deducted out of the purchase money.

On the 1st of April, 1740, the owners paid the factor in part, by giving him one promissory note of 66l. 13s. 4d. and another of 102l. 6s. 8d. which, with the 31l. due to them from the factor, amounted to 200l.

On the 3d of April following, the factor, Richard Scott, committed an act of bankruptcy, and on the 4th a commission issued against him, on the petition of one of the defendants, and the three defendants were chosen assignees, to whom the bankrupt delivered up the said two notes, received from the buyers in part of payment for the tar, and the said assignees afterwards received the money for them.

The defendants, as assignees, likewise confirmed the sale of the tar to the said Owens, and settled the account with them, and received the balance, being 378l. 4s. and there being a bounty allowed by act of parliament, at so much *per ton*, payable to the importer of this tar, the defendants, as assignees, did also receive that bounty, amounting to the sum of 299l. 8s.

The assignees insisted that they, as such, were intitled to all this money, and that the plaintiffs must come in as creditors under the commission; and the plaintiffs insisted, that the bankrupt being their factor, *could be only considered as a bare trustee*, and therefore that the notes delivered up to them by the bankrupt, though payable to him or order, were the notes of the plaintiffs, and that the defendants receiving the money for those notes, and also the remaining part of the money for the tar, and the bounty due to the importer of that tar, they received those monies for the use of the plaintiffs.

This cause was tried by a special jury, and the damages were computed at 358l. 10s. and a verdict was given for the plaintiffs, subject to the opinion of the court upon this question.

Whether the plaintiffs were intitled to such sum of 358l. 10s. given by the verdict, to any, or what part thereof?

And the principal cases which were cited by the plaintiffs, were those of Copeman and Gallant, herein before-mentioned, the case of L'Apostree v. Le Plaistier, which was tried before Lord Holt, where an action of trover was brought against an assignee in a commission against one Levi, to whom the plaintiff had delivered some diamonds to sell; and this being a question depending upon the clause of 1 Jac. 19. sect. 10 and 11. it was made a case for the court of the King's-Bench; and it appearing that the real property of the diamonds belonged to the plaintiff, and that the bankrupt had only a bare authority to sell them for his use; therefore the court were of opinion they were not liable to bankruptcy.

The case of Burdett and Willet was also cited, where, in the court of Chancery, it was decreed, that the factor was only in the nature of a trustee for his principal, and that delivering goods to him did not alter the property of the real owner; and upon the argument of this case, the court took time to consider of it, and some time afterwards gave their judgment for the plaintiffs, viz. that the plaintiffs should be at liberty to enter upon that judgment for the debt and costs, deducting thereout the 31l. due from the factor to the Owens. *Jonathan Scott and Francis Richardson, plaintiffs; Robert Sarman & al. defendants; in the Common-Pleas.*

Motion for a prohibition to the ecclesiastical court for granting administration to A, where B was named executor by the testator, for that B was a bankrupt.

Holt, C. J. The ordinary is not to grant administration, where an executor is named; and bankruptcy is no material disability, he acts *en auter droit*, and the testator hath intrusted him; but in case of *non sane memory*, there is an absolute necessity to grant administration.—A prohibition granted. *Hill v. Mills. Holt. Rep. Mich. 3 Will. and Mar. Com. 185. 1 Show. 223.*

If an executor becomes bankrupt, a legatee is to be creditor.—*Hereafter should be explained the power, duty, &c. of ASSIGNEES, but the reader will see every thing relating to them under that article.*

Penalties on persons concealing effects, and pretended creditors swearing falsely, and allowances made to bankrupts, and to the discoverers of bankrupts effects. See ALLOWANCES.

By 5 Geo. II. c. 30. s. 20, 21. every person who shall have accepted of any trust or trusts, and shall wilfully conceal or protect any estate, real or personal, of any person or persons becoming bankrupt, from his creditors, and shall not within forty-two days next after such commission shall issue forth, and notice thereof be given in the London Gazette, discover and disclose such trust and estate in writing to one or more of the commissioners or assignees of such bankrupt's estate, and likewise submit himself to be examined by the commissioners, in and by the said commission authorized, if thereunto required, and truly discover the same, shall forfeit the sum of one hundred pounds of lawful money of Great-Britain, and double the value of the estate, either real or personal so concealed, to and for the use and benefit of the said creditors.

Sec. 29. And whereas many abuses have been committed by pretended creditors of bankrupts, be it enacted by the authority aforesaid, that if any person at any time hereafter shall before the acting commissioners in any commission of bankrupt, or by affidavit or affirmation exhibited to them, swear or depose that any sum of money is due to him or her from any bankrupt, which sum of money is not really due or owing, or shall swear or affirm that more is due than is really due or owing, knowing the same to be not due or owing, and that such oath or affirmation is false and untrue, and being thereof convicted by indictment or information, such person shall suffer the pains and penalties inflicted by the several statutes made and now in force against wilful perjury, and shall moreover be liable to pay double the sum so sworn or affirmed to be due or owing as aforesaid, to be recovered and levied as other penalties and forfeitures are upon penal statutes, after the conviction, to be levied and recovered; and such double sum shall be equally divided among all the creditors seeking relief under the said commission.

By 14 Geo. II. p. 1157. where any person shall fraudulently swear, or (being quakers) affirm, before the major part of the commissioners in a commission of bankruptcy, or by affidavit or affirmation exhibited to them, that a sum of money is due to him from any bankrupt, which shall in fact not be really and truly owing, and shall in respect of such fictitious debt sign the certificate of such bankrupt's discharge, in every such case, unless such bankrupt shall, before the major part of the commissioners, have signed such certificate, by writing signed by him, and delivered to one or more of the commissioners, or of the assignees of his estate and effects, disclose the fraud, and object to the reality of such debt, such certificate shall be null and void, and the bankrupt shall not be intitled to his discharge, or to any of the benefits or allowances given to bankrupts by the act of 5 Geo. II.

Where any creditor of a bankrupt resides in foreign parts, the letter of attorney of such creditor, attested by a notary public in the usual form, shall be a sufficient evidence of the power by which any person thereby authorized shall sign the bankrupt's certificate.

Of superseding commissions.

The reasons for superseding commissions are many and various; as,

1st. If there is not a debt due to the petitioning creditor, in which case the court will order the commissioners to enquire into the nature of the debt, and to certify the same to the court; and if there is not a sufficient foundation for the debt, the court will supersede it.

2dly. If the party insists he is no trader, the court usually directs such facts to be tried, and if on such trial it appears to the court that he is not a trader, the court will for such reasons supersede the commission.

3dly. If the party against whom the commission is issued, appears to be an infant, the court, on full proof of such infancy, will supersede the commission.

4thly. If after the issuing a commission, the party makes a satisfaction, or gives a sufficient security for performing it to all his creditors, and they in consequence give him a release, these motives, on petition to the court, will induce it to supersede the commission.

5thly. If a bankrupt conveys all his real estate to trustees for the benefit of his creditors, and they accept of such conveyance, the court in this case will order the creditors to deliver up their securities to the bankrupt, and that the bankrupt shall deliver up all the title-deeds, and join in the conveyances; and that the trustees shall proceed in the trust, and that the bankrupt shall pay the charges of the commission, deducting the money out of the assignees hands.

6thly. If a bankrupt makes a private agreement with his creditor, and prevails on him to take out a commission, in consideration of being paid his whole debt, or at least more than the rest of his creditors, the court, on proof made thereof, will order the commission to be superseded, and award a new one; and the person receiving such goods, or satisfaction, shall lose his whole debt and the money received, and pay the same to such persons as the commissioners shall appoint, in trust for the bankrupt's creditors in proportion. 5 Geo. II. p. 128.

7thly. If a person has not a mind to be a bankrupt, and is conscious that he is no trader, nor has committed any act of bankruptcy, or does not owe any debt sufficient whereon to ground a commission, he may, if he supposes a commission is going to be taken out against him, enter a caveat in the secretary's office against it; or if it has issued, he may petition the court that no such commission may issue against him, or that it may be superseded; and upon hearing the merits of such a petition, the court in some cases determines the point, and in other cases directs an issue at law to try the same.

8thly. If a commission taken out in an adverse manner is superseded, and the party on the trial is not found bankrupt, the court, according to the nature of the case, frequently will order costs to the party against whom the commission is taken out, or may, if they think proper, assign over the bond given to the lord chancellor.

Costs of commissions, how to be settled and paid.

The creditors who shall petition for a commission of bankrupt shall be obliged at their own costs to prosecute the same, until assignees shall be chosen; and the commissioners shall, at the meeting appointed for the choice of assignees, ascertain such costs, and by writing shall order the assignees to re-imburse such petitioning creditors out of the first effects of the bankrupt that shall be got in; and every creditor shall be at liberty to prove his debt without paying contribution. 5 Geo. II. c. 30. s. 25.

There shall not be paid out of the estate of the bankrupt any monies for expences in eating and drinking of the commissioners, or of any other persons, at the times of the meeting of the commissioners or creditors; and no schedule shall be annexed to any deed of assignment of the personal estate of such bankrupt; and if any commissioner shall order such expence to be made, or eat or drink at the charge of the creditors, or out of the estate of such bankrupt, or receive above 20 s. each commissioner for each meeting, every such commissioner shall be disabled to act in any commission of bankrupts. *Ditto, sect. 42.*

All bills of fees or disbursements demanded by any solicitor, employed under any commission of bankrupt, shall be settled by one of the masters of chancery; and the master who shall settle such bill shall have for his care in settling the same, as also for his certificate thereof, 20 s. *Ditto, sect. 46.*

Concerning the duty of, and remedy against gaolers, where bankrupts or witnesses are committed, and suffered to escape.

By 5 Geo. II. c. 30. s. 18. in case the commissioners appointed in any commission of bankruptcy, should in virtue

virtue of their power, commit the bankrupt or any person or persons to prison, for not conforming to the acts relating to bankrupts, and if the gaoler or keeper of the prison, to which such bankrupt, person, or persons shall be so committed, wilfully suffer such bankrupt, person, or persons, to escape from such prison, or to go without the walls or doors thereof, until he or they shall be duly discharged, such gaoler or keeper shall for such offence, being duly convicted by indictment or information, forfeit five hundred pounds of lawful money of Great-Britain, for the use of the creditors of such bankrupt.

Stat. 19. And the gaoler or keeper of such prison as aforesaid, shall, upon request of any person, being a creditor of such bankrupt (and having proved his debt under the commission) and producing a certificate thereof under the hands of the commissioners (which they are hereby required to give *gratis*) forthwith produce and shew such person or persons so committed as aforesaid to any such creditor requesting the same; and in case such gaoler or keeper of such prison shall refuse to shew, or shall not forthwith produce such person or persons so committed as aforesaid, and being in his actual custody at the time of such request, to such creditor of the bankrupt requesting to see such person or persons committed as aforesaid, such gaoler or keeper of such prison shall forfeit for such his wilful refusal or neglect, the sum of 100*l.* of lawful money of Great-Britain, for the use of the creditors of such bankrupt, to be recovered by action of debt in any of his majesty's courts of record at Westminster, in the name of the creditor requesting such sight of such prisoner.

And for every other like offence shall forfeit the sum of 200*l.* for the use of the bankrupt's creditors, as aforesaid. 5 *Geo. I. c. 24.*

Note. By *stat. 4 Geo. III. cap. 36. the stat. 5 Geo. II. cap. 30.* concerning bankrupts, is further continued to September 29, 1771, and from thence to the end of the then next session of parliament. And with respect to persons intitled to privilege of parliament not paying their debts, the following act was made, intituled, An Act for preventing inconveniencies arising in cases of merchants, and such other persons as are within the description of the statutes relating to bankrupts, being intitled to privilege of parliament, and becoming insolvent.

Stat. 4 Geo. III. cap. 33. sect. 1. Whereas merchants, bankers, brokers, factors, scriveners, and traders, within the description of the statutes relating to bankrupts, having privilege of parliament, are not compellable to pay their just debts, or to become bankrupts, by reason of freedom of their persons from arrest upon civil process; and some doubts have also arisen, whether in cases of bankruptcy, a commission can be sued out during the continuance of such privilege: to remedy which inconveniencies, and to support the honour and dignity of parliament, and good faith and credit in commercial dealings, which require, that in such cases, the laws should have their due course, and that no such merchants, bankers, brokers, factors, scriveners or traders, in case of actual insolvency, should, by any privilege whatever, be exempted from doing equal justice to all their creditors; be it enacted, &c. that from and after the 11th day of May, 1764, it shall be lawful for any single creditor, or two or more creditors, being partners, whose debt or debts shall amount to 100*l.* or upwards, and for any two creditors whose debts shall amount to 150*l.* or upwards, or any three or more creditors whose debts shall amount to 200*l.* or upwards, of any person or persons deemed a merchant, banker, broker, factor, scrivener, or trader or traders, within the description of the act of parliament relating to bankrupts, having privilege of parliament, at any time, upon affidavit being made and filed on record in any of his majesty's courts at Westminster by such creditor or creditors, that such debt or debts is or are justly due to him or them respectively, and that every such debtor, as he or they verily believe, is a merchant, banker, broker, factor, scrivener, or trader, within the description of the statutes relating to bankrupts, to sue out of the same court summons, or any original bill and summons, against such merchant, banker, broker, factor, scrivener, or trader, and serve him with a copy thereof; and if such merchant, banker,

broker, factor, scrivener, or trader, shall not within two months after personal service of such summons (affidavit of the debt or debts having been duly made and filled up as aforesaid) pay, secure, or compound for, such debt or debts, to the satisfaction of such creditor or creditors, or enter into a bond in such sum, and with two such sufficient sureties, as any of the judges of that court out of which such summons shall issue shall approve of, to pay such sum as shall be recovered in such action or actions, together with such costs as shall be given in the same, he shall be accounted and adjudged a bankrupt from the time of the service of such summons; and any creditor or creditors may sue out a commission against any such person, and proceed thereon in like manner as against other bankrupts.

Stat. 2. Provided always, and it is hereby declared, that this act shall not extend, or be deemed or construed to extend, to any such debt or debts as aforesaid contracted before the 8th day of March 1764; any thing herein before contained to the contrary thereof in any wise notwithstanding.

Stat. 3. And be it further enacted by the authority aforesaid, that if any merchant, banker, broker, factor, scrivener, or trader, shall, after the last day of this session of parliament, commit any act of bankruptcy, that then, and in such case, any creditor or creditors as aforesaid, may sue out a commission of bankruptcy against any such merchant, banker, broker, factor, scrivener or trader; and the commissioners in such commission, and other persons, may proceed thereon in like manner as against other bankrupts; any privilege of the parliament to the contrary notwithstanding.

Stat. 4. Provided nevertheless, and be it enacted, that nothing in this act shall subject any person intitled to privilege to be arrested, or imprisoned during the time of such privilege, except in cases made felony by the acts relating to bankrupts, or any of them.

BANKRUPTCY in France. A considerable distinction is made in this country between a *bankruptcy* and a *failure*; the former being understood to be voluntary and fraudulent, whilst the other is supposed to be by constraint and necessity, caused always by some unforeseen and unavoidable accident; but as Mr. James Savary in his *Parfait Negociant*, has made a very just and nice distinction between the signification of these two terms, we shall give our readers the sense of his observations thereon, tho' with such brevity as it will admit. He says, the public seldom makes the difference it ought on these occasions, but confound the distinctions, which are in their nature very apparent, and are made such in all the king's ordinances relative to those affairs. The trader who has failed, or stopped by reason of his incapacity punctually to comply with his notes of hand, bills due, or immediately to return the money he had received for those come back protested, and is obliged to this demur by some unforeseen accident, or loss in trade, and reduced to the necessity of asking time of his creditors for the payment of the whole, or what he can, of his debts, is not to be placed on a footing with the bankrupt, who by fraud and treachery has secured to himself a provision for futurity, at the expence of his creditors, to whom he gives up the trifling remains of his ransacked fortune in payment of his clearance; and though this man's villainy continues undiscovered, he always remains infamous in the eyes of the public; whilst the other, who complies as far as he is able, is restored to credit, though he continues incapable of enjoying any public post till the whole of his debts are paid with interest.

Although a merchant be never so skilful and assiduous in his business, though he keeps his affairs under the best regulation, and has set out in the world with a handsome fortune; though he has observed all possible application, and made prudence his guide in the management of his trade; and though he has omitted no circumstance that might naturally attract and secure success, yet if all is not accompanied by *good luck*, he is not sure to prosper in his enterprize and undertakings; for fortune very frequently determines all contrary to expectation, and as she is whimsical and often favours the silly and ignorant, whilst the best and most capable men are experiencing her frowns; this is what no one as yet has been able to account for; and experience demonstrates, that misfortunes

are daily happening to merchants, whose probity, expertness, prudence and capacity, render them worthy of compassion, and underserving this reverse of fortune, that exposes them to misery and contempt. Though feeling men, who follow the most approved maxims in their business, do not always meet a correspondent success, but on the contrary are exposed to mishaps and losses; or supposing them considerable gainers by their trade, and that they have more than sufficient to discharge their debts, yet their effects may undesignedly be dispersed, that they may be incapacitated to answer an immediate demand made by some inexorable creditors, who will give no quarter, or listen to the calls of benevolence and humanity; I say, feeling men of integrity are exposed to these unjust resentments of uncompassionate creditors, the French laws have provided a means, by granting letters of respite, or arrets of parliament, to protect them from their unrelenting tempers, which we are now about mentioning.

Letters of respite are always granted by the king, and *arrets of general protection* by the parliament, and sometimes by the king's counsel, both tending to defend an honest debtor from the persecutions of his creditors, during the term for which they are granted; and to allow him time to liquidate his effects, in order to pay his debts, or to agree with those to whom he is owing; and that he may obtain the said protection, he must strictly observe and submit to the king's ordinances of August 1669, and March 1673, and to his majesty's declarations of the 23d of December 1699, and that of September 1664, which enjoins the following particulars.

1st. *Letters of respite* are never granted but on important considerations, to begin with proofs and authentic accounts, which ought to be explained in the said letters, and affixed under the counter seal; with a state of his effects, which the *grantee* must certify to be a true one, as well of his moveables and immoveables, as of his debts, under pain of suffering the penalties mentioned in the aforesaid ordinances; and he must take care to be very exact herein, because if he is found fraudulent in any one particular, he will forfeit the protection of the said letters, although they have been granted peremptorily with all his creditors, and he will not only be unable to procure others, but he shall not even after this be admitted to the benefit of ceding or giving up his effects to his creditors, which is only denied to one convicted of fraud and deceit.

2dly. This state so drawn up and certified, ought to be deposited at the registry or rolls of the consular jurisdiction, if there is one at the place of his (the debtor's) residence, if not, at the town house; of which deposit he must take a certificate, to be fixt to the petition he presents to the king, council, or parliament, for obtaining the *letters of respite* or *protection*, and immediately after the sealing and expediting of the letters, the *grantee* ought to deliver into the office, as well of the judge to whom they are addressed, as that of the nearest consular jurisdiction, a duplicate of that state, whose truth has been so certified, of whose deposit he ought to procure certificates from the different registers, and give a copy to each of his creditors, as well of the state as of the certificates, at the time of notifying the *letters*, which are only valid in regard of those to whom a copy has been given, and therefore he remains exposed to the prosecutions of them who have been forgotten or neglected in the delivery of the said copies.

3dly. If he who obtains letters is a merchant, banker, or shopkeeper, he is obliged, besides the formalities before recited, and under the said penalties, to deliver into the judge's office to whom the letters are addressed, his books and accounts, of which he must take a certificate from the register, and also give a copy of it to each of his creditors, when the letters are notified to them; but previous to this deposit, he ought to shew them to his creditors, that they may examine them if they please, and see whether the state of his affairs delivered into the office be a true one, and in all respects conformable to his said books and accounts; but he is not obliged to make this offer till the letters are notified, as it is only from the moment of their notification, that this failure is esteemed known or published, and that if he presented his books before having obtained and published the protecting letters, his creditors, knowing there-

by the bad state of his circumstances, might value themselves on that discovery, to make him prisoner, even whilst he was soliciting the arret, which by this means would be rendered unserviceable, as the violence offered him in the arrest could not be repaired by it, for want of its having a retroactive effect.

4thly. To enjoy the benefit of the time granted by the letters, the debtor ought to notify them to his creditors, and others concerned in his failure, who live in the same place with him, in eight days from their date, but to those residing at a distance, to be counted from the eight, at one day for every five leagues; and, as was before observed, they only protect from the suits of those to whom they are intimated; not that the omission to notify them to some of the creditors within the said eight days renders them null and void, but because that in regard to the creditors neglected or forgotten, they are ineffectual till after their notification; though the vigilance which the other creditors have used to preserve the effects of their common debtor, is nevertheless equally serviceable to those who are ignorant of the letters, and to those who have acted either by opposition, or otherwise endeavoured to preserve their dues and make their reasons valid.

The design of the arret's being notified in eight days from its date, is to afford the creditors an opportunity of deducing and offering their reasons against it, if they have any, and that they may be admitted to make proof of the cheat, fraud, and knavery of their debtor, if they suppose, and are capable of proving it; and it is not otherwise either reasonable or just, that he who has obtained the letters should remain master of the time for notifying them, as he might greatly abuse that liberty, either by absconding the best of his effects, or making new purchases, and then retiring with them into some foreign part where his creditors cannot reach him; and this he might easily do, if iniquitous enough to attempt it; as his creditors not knowing that he was possessed of his protection, and consequently not suspecting the bad state of his affairs, would naturally take no precaution to prevent either his fraud or flight.

5thly. A merchant, after obtaining these letters, is not at liberty to pay any one creditor in preference to another, nor no longer master (but a depositary or trustee) of his effects, which ought to be divided equally among them, and they participate of the bad fortune of their common debtor, without procuring an interdict and particular advantage to any one of them, as this preference is not only unjust and odious, but, if discovered, renders the letters unprofitable to him that has obtained them, by their becoming null, for his having acted so contradictorily to the intent and purpose of them.

And besides this penalty so justly ordained against the treachery of a debtor, who either through inclination or fear, so unequally treats his creditors, to whom he owes an unbiassed justice, and a part of his remaining effects proportionable to their credits, the neglected or forgotten creditors, and who have been only paid a part, whilst others have received their whole debts, have a right (if they have sufficient proofs) to demand a drawback of as much as will be sufficient to put them all on a level, according to the common contract which has been regulated and agreed between them and their debtor; for as the ordinance disposes, that those creditors who shall have received any effects within a small space before a bankruptcy, shall be obliged to restore them to the stock; there is a much stronger reason for their doing so who have received them after a failure is become known and public.

6thly. The letters always order the judge to whom they are directed, that in proceeding to their accomplishment (the creditors being called) he give to the grantee such time as he shall deem reasonable for the payment of his debts, which however must not exceed five years, except with the consent of two thirds of the hypothecated creditors; and in the mean time the letters grant him six months delay to solicit their accomplishment, during which term the attempting his person, or moveable furniture serving his use, is prohibited.

7thly. He cannot be excluded from obtaining the arret under the pretext of renunciations, which he has or might make in passing acts and contracts.

8thly. Those who have obtained letters of respite, &c. cannot value on them when they are accused of bankruptcy, when they are actual prisoners, or that the seal is put on their effects.

9thly. Second letters of respite, or arrears, are never granted, at least without new and considerable causes, whereof he ought to make a beginning with testimonies and proofs, as has been said before.

10thly. There are many cases in which letters of respite, &c. are not to be obtained, viz. for pensions, alimments, medicines, house-hire, crops of corn, servants wages, hire of workmen, and journeymen, balances of guardians accounts, necessary and voluntary deposits, couzenage, reparations, damages and interests adjudged in criminal matters, management of public money, bills of exchange, merchandizes seized at marts, in fairs, markets, and public ports, fresh-water fish, dry and salted, securities judicial and extra-judicial, and of joint bondsmen, funeral-charges, arrears of ground-rent, obligations of long leases, merchandizes and effects bought of the East-India company, or things sold of use to it.

11thly. It must be remarked, that from the moment the aforesaid letters are obtained and notified, the grantee forfeits his honour, and is thereby not only rendered incapable of aspiring to any post, or public employ, but is disseized of them all from that period, if he is then in possession, and can only be restored to his lost credit and reputation by letters of rehabilitation, granted by the king, which places them in the same condition with regard to honour, and capacity of enjoying public employment, that they were in at the time of their misfortunes; but these have never been obtained (as has been before observed) till their whole debts are paid, with interest; and under these circumstances they are sometimes, though rarely, granted to bankrupts also.

What we have said concerning those trading people, who have obtained letters of respite or general protection, will suffice to shew how far, and on what conditions they are valid; and we should now proceed to inform our readers how those bankruptcies and failures are treated in France, which have not been able, either through surprize or neglect, to obtain the said letters: but as the wife's fortune or jointure is equally regarded under any of these circumstances, we shall mention the proceedings thereabout prior to the others, as the knowledge of that circumstance makes a necessary part of this subject.

It is the usage and custom of some places in that kingdom, for women on their marriage with men in trade, to become partners with their husbands for one third, or half the fortunes they bring, except it is otherwise agreed in the marriage articles, and the wife thereby expressly renounces the said use or custom, and has such renunciation registered, and published, by fixing it in writing to the public view, at the place of the consular jurisdiction, if there be any there, if not at the town house, under the penalty of its being null, as it is valid only from the day of its registry and publication; and that our readers may judge of the motives for the king's ordinance enjoining this circumstance, they may please to observe that in consequence of the copartnership, the woman, on the husband's failure, is obliged to come in as a creditor in common with the others in this manner, viz. Supposing she brought a fortune of 4000 livres, the half is put into the joint stock, and the other moiety secured to her own use, by marriage articles, but remaining in the husband's hands; and he failing, her 2000 livres stock sinks with his, and she comes in as a common creditor, for the other 2000 livres. On the contrary, a woman renouncing the copartnership in the manner above recited, and bringing 4000 livres dowry, generally has in lieu of the expected profits from trade, a sum (suppose 10,000 livres) joined to her fortune, and settled on her by marriage contract; and in case the husband afterwards becomes a bankrupt, she is intitled to an equal share of his effects, with all his other creditors, proportionable to the said sum, so that she is greatly benefited by her renunciation, in case the husband proves unfortunate; but as the publication of this circumstance was not formerly made obligatory, many people (knowing the custom of the place) were drawn in to trust a man who had married a rich woman, with much more than they would

have done, had they been acquainted with her renunciation, as they conjectured she had greatly augmented his stock, and consequently that their credit was well founded, and a compliance from the debtor would be both punctual and sure; when, in reality, the matrimonial agreement was quite the reverse, and a change of circumstances opens to them the fallacy of the expectations, by exposing the little foundation they had to support the reasons of what were only ideal and ill-grounded; and to avoid a continuance of such deceptions, the king published the afore-mentioned arret in March 1673, so that no one now can be imposed on in this matter except through indolence, or wrong information, but may take such steps in their dealings with traders, under either of the aforesaid circumstances, as they shall deem prudent, and not run any unwarrantable lengths in their credit, through a mistaken notion of a larger fund for payment than there truly is: and thus much we thought proper to mention on this subject before we treated on the French laws concerning *bankruptcy* and *failures* (where protecting letters have not been obtained), which we shall now go through with as much brevity as the nature of the thing will admit of.

It has been before remarked, that from the moment letters of respite, &c. are obtained and notified, the grantee is deemed to have failed, and those whose unexpected misfortunes have too suddenly reached them to leave room for procuring such a safeguard, and obliged them to abscond, their so doing, and the consequent sealing up of their effects, by order from the judge, who has been petitioned so to do by some creditor, is esteemed a declaration of their stopping, or failing; and as there is a distinction made in all the king's ordinances (before remarked) between the man who has by a chain of unhappy events been reduced to these distresses, and him who has brought them on himself through debauchery or design, we shall mention the laws in force, in regard both to one and the other, and begin with those concerning the innocently unfortunate first, in whose favour an ordinance was made at Paris, the 12th of March, 1678, in the following words, viz.

By order of the king.

Monsieur the provost of Paris, or monsieur the lieutenant civil, upon what has been represented to us by the king's attorney, that it has for some months past been perceived, by the requests that have been presented us, that many merchants, bankers, and other traders, have been obliged to retire from this city, and to abandon their effects and families, and having determined to know the true causes of their retreat, and examine whether it might be presumed, that the knavery and design of committing fraudulent bankruptcies, had made them take that resolution, it has been found that it has been more through ill luck than knavery; and that many foreign bankers and merchants, who have failed and broke, have carried away, and diverted large sums, which were owing to the bankers and merchants of this and other cities of the realm, which has reduced and put them into a condition, not to have ready money sufficient to acquit the bills of exchange, daily falling due, although they have more, or as much in effects, as in debts; and as it is just, severely to punish fraudulent bankruptcies, according to the rigour of the ordinances, it is not less so, to hinder that merchants and bankers who have trusted their money with strangers, under the good faith or credit of trade, should not be treated in the same manner as if they had committed a cheat, and that their precipitated absence to avoid a prison, and the consequent charges hindering their return to trade, and re-establishment of their credit, require that some provision be made in it. And we, having regard to the request of the king's attorney, do ordain, that all merchants, traders, bankers and others, concerned in commerce, who without fraud, find themselves in a condition unable to discharge their debts, whether for bills of exchange or otherwise, by reason of the losses they have met with, may appear before us by petition, to which they shall tack duplicates of two accounts, which they shall sign and affirm to be true; the one of the value of their effects, and the other

of their debts; in virtue of the ordinance which shall be put at the bottom of the petition, they shall summon all their creditors the following day to appear before us, to agree among themselves, or two merchants, or other persons they know, who shall examine the accounts, and make a summary inventory, and value and appraise their effects, in an amicable manner; and to agree together on the terms and times of payments, and remissions if any are made, and sell the said effects in a friendly way, if possible, and after having heard the merchants which shall have been named, proceed to the confirmation of the contract, which shall have been passed, in all things appertaining to it, the whole without expence or application of the seal, though without prejudice to the creditors, who shall become accusers of a fraudulent bankruptcy, and to the king's attorney to prosecute extraordinarily, and demand the selling of the effects of those who shall have absented themselves, or become bankrupts, embezzled, hid, and concealed their effects in prejudice of their creditors, upon which petitions let justice be done. And the present ordinance shall be read, published, and affixed, where need shall be, &c.

And in consequence of this ordinance, a merchant who finds himself in the unhappy situation it treats of, and (to avoid the violence which some of his creditors may offer him) has absconded (if prudently advised) will by some friend solicit a safe-conduct from them for fifteen days, or a month, that he may appear and render an account of his actions; and after having obtained it from the greatest part, if there is any one who refuses to sign it, he ought, before discovering himself, to petition the judge and consuls, or other royal judges, or even the parliament; and it would be still better, in order to evade all tricks and shifts, to solicit the confirmation with those who have signed, and a permission to summon the refusers for to decree and ordain, that it shall be allowed by them, and in the mean time they shall be prohibited attempting his person or effects; upon which petition, a sentence or arret will be given, granting his demands; the which being carried to the registry, it ought to be noted to the dissenting creditors as soon as possible.

If the creditors are not resident in the same place with him, but several of them in other towns of the realm, he must write to them to come, or send their procurator to some one of their friends, to attend the assemblies of the creditors who are present, that they may have no reason to complain of him. The second thing this unfortunate trader ought to do on his return home, if he has the seal put on his goods and effects, is to request the taking it off in an amicable manner; but if this is refused, it must be ordained by the authority of justice. And the third thing is, that from the moment he receives his books again, he must make out a general state of all his effects, as well what he owes as what is due to him, to deliver to his creditors, when they assemble to examine his affairs, and this is in conformity with the second article of the eleventh title of the ordinance in 1673.

Having drawn out his accounts in the most exact manner, he must put the following certificate at the bottom of them, viz.

I, the underwritten, do certify to all whom it may concern, that the state here above of all my effects, as well debtor as creditor, contains the truth, and that I have not omitted any thing, or made use of any person, or names in it, that are not my true and lawful creditors; in faith of which I have signed the present, the 29th of May, 1766.

And it is not sufficient that he has drawn out this state, but he must also strike a balance for the greater ease of his creditors, that they may see with a cast of an eye the truth of his affairs, and what they have to expect; and he must likewise put underneath the said state, an account of all the losses that have happened to him, whether by shipping, bankruptcies, or otherwise, the interests that he has paid, and his house expences, that he may justify his conduct to his creditors, in case he has not effects sufficient to pay them their whole due, that they may have nothing to reproach him with.

When he is ready to render this account to his credi-

tors, of his conduct and their estate; he must convoke an assembly of them, by summons sent in writing to each of them, and being all met, his behaviour to them ought to be free from affectation, either of too great dejection or arrogance, but with such concern and humility, as a just reflection of his circumstances will naturally excite; and although some of them should so far degenerate from reason and good manners, as to be abusive and slanderous in their treatment of him, it ought not to exasperate him to make correspondent returns; but command his passion, by reflecting that it is not every one has philosophy enough to bear losses with temper and equality of mind, and it is probable what they suffer by him (though he could not help it) may reduce them to the same condition with himself; therefore allowances ought to be made, and no injurious language returned from the unhappy sufferer, though such a shock is certainly not the least of his misfortunes: however, he ought to submit without murmuring; and, together with the state of his affairs, he ought to deliver the creditors his books, that they may compare the one with the other; but in case no one will take them under his care, the insolvent may then deliver them into the registry, as was before ordered to be done, by those who had procured letters of respite, &c.

At the first meeting of the creditors there is seldom much done, the greatest part of the time being generally employed in complaints and injuries against the failed, and at most, directors or assignees are chosen to take care of the common interest of the creditors, to see and examine the books and papers of the debtor, and to fix the days of meeting to consult about the affair.

It is to be remarked, that while this is transacting, each creditor in particular endeavours as much as he can, to get himself paid the full of his debt; the engagement in which he stands with his debtor renders him ingenious and fertile in inventions to incline him to consent to his demand; one by threatening to prosecute him as a fraudulent bankrupt, and asserting that it will not be difficult to bring proof of his knavery; another menaces him with his determination of hindering his composition by his influence and interest; whilst a third flatters and caresses him, laments his misfortunes, and affecting a generosity, offers him his purse, protests never to forsake him, that he may depend on his using all his industry and power to facilitate his accommodation; that it is unreasonable he should be deplored of all his effects, and heartily pities both him and his family; in fine, he makes use of every soft and coaxing expression which he thinks may influence his debtor, and incline him to distinguish this flatterer from the rest of his creditors, by satisfying him at his expence. But if unable to prevail, and the lamb's skin has been of no service to him, he quickly puts on the lion's, and there are no sorts of threats or injuries he leaves unused to the unhappy debtor, who, combated by hopes and fears, sometimes falls into the snares laid for him, and quits those just rules of putting all his creditors on the same footing, and by so doing, compleats his own ruin; for the fawnings and menaces of creditors can in no shape operate to the prejudice of an honest bankrupt, who has punctually rendered an exact account of his conduct and affairs as the law directs.

But having hitherto only mentioned the duty of the debtor, we shall proceed to hint the obligation of the creditors: and the first step they ought to take when assembled about their common affairs, is to elect some among them for assignees by the plurality of votes, who are men of probity and capacity, to see and examine the state of their debtor's affairs, and to make their report about them; and that they may proceed with the greater order and regularity, if the failure is very considerable, it is advisable that they chuse a notary to receive the acts of the creditors deliberations, and for this it is necessary to assign the place, and days of their meeting, that no one may pretend ignorance; and for the security of those elected, the act of their nomination ought to be approved and confirmed by the consular jurisdiction, if there is one, or in the royal, or in the parliament's, if there is any in the town or city where the failure has happened.

The power which the creditors ordinarily give to the assignees, is,

1st. To proceed in taking off the seal, if it has been put on.

2d. To describe and inventory all the debtor's effects, as well active as passive, which shall be found belonging to him; also all his books, letters, and other papers and instructions which can serve to the éclaircissement of his affairs.

3dly. To see and examine the state which he shall have given in, his books and accounts, and whether they have been regularly kept according to the ordinance.

4thly. To sell the merchandize and household goods of the bankrupt, and pay the money into the hands of the notary that shall have been chosen, or to any other that the creditors shall direct.

5thly. To recover all the debts, and to undertake all the necessary proceedings towards it.

6thly. To examine the transactions, contracts of composition, bonds, promissory notes, bills of exchange, and other proofs of those who pretend themselves creditors of the failed: from all which things to make a good and faithful report, to the general assembly of the creditors, which shall meet for that intent.

And the assignees of a failure ought to observe the following maxims:

1st. They ought never to abuse the authority given them by the creditors, in favouring the bankrupt to their prejudice, from a motive of private interest, as this would be wanting in that honesty which ought religiously to be observed by those who are charged with the management of joint affairs.

2dly. As it often happens that the creditors of a bankrupt are not all inhabitants of the town of his residence, but of several others in the kingdom, who desire their friends to assist at the assemblies, only to see what passes, without a power of engaging them in the resolutions of the creditors: this maxim ought to be observed; *never to admit any one to their meetings who are not bearers of special powers, for consent; and agreeing to all that shall be deliberated and done by plurality of votes; though this plurality is not to be counted by the number of persons, but the import of their debts (or in other words, not by number but value) and the creditors to whom three fourths of the whole is owing, shall decide this and every other controverted affair.*

3dly. The assignees having got their power authorized in the customary manner, ought in the first place to take with the commissary a copy of all the opponents to what is sealed of the failure, and to make them assign a certain day and hour in his house, for to come and see, and consent to the taking it off; and whereas in these meetings, each opponent has his attorney, so that sometimes there may be thirty of them, it ought to be settled and ordained, that the ancientest shall plead for all the opponents, in order to evitate the great expences that would otherwise occur, from each opponent's having one to plead for him.

4thly. If on inventorying, any creditor claims the merchandize that he should have sold to the debtor, he must give a description of it, as well in respect to the quality, as the quantity and colours, whether both ends are uncut, and the lead untouched whereon is imprinted the mark and ticket on which is wrote the name of the reclaimant, and which gives him a right to the pretended return; this being the custom always practised and observed on such occasions, in order to prevent unhappy contests, which might ruin both the debtor and creditor in expences.

5th. The inventory and description of the merchandizes, household goods, and papers, appertaining to the failed, being made, the assignees ought diligently to see and examine the books and entries of the bankrupt, in order to find out whether the state which he has given in, be conformable to them, before they proceed to the sale; and they should make a calculation as near as possible, of the value of his effects, which they should report to the creditors at the next assembly, that it may there be discussed, whether it will be most for their interest to put the effects into the debtor's hands, under proper clauses and conditions, or to dispose of them intirely, and part their produce among them.

6thly. But before they proceed to the said deliberation,

the debtor ought to justify his conduct to them, and clearly prove how his losses have arose; as it would be imprudent to trust a man with the management of their affairs, by returning him his goods, of whose integrity they should have the least suspicion.

7thly. After having examined the conduct of the debtor, they ought also strictly to scrutinize the pretensions of every creditor, to see that their demands are just, as on these occasions tricks and cheats are too frequent.

8thly. In examining the books and papers, the assignees should carefully remark whether the bankrupt has not made any illegal sales or cessions of his effects; which become so, if they are not transacted at least ten days before the failure is publickly known, and all agreements or conveyances whatsoever, made or done within these limits, become null and void by all the king's ordinances, although all the acts and obligations of them are passed before a notary public, and the effects shall return again to the stock, and be divided with it among his creditors.

9thly. After the assignees have exactly performed all things before-mentioned, and made the necessary remarks upon the vouchers and evidences concerning the debt of each creditor, they ought to draw out an exact balance of all the effects, in order to give the creditors an insight into the debtor's affairs, and thereby make them capable of judging how to act most for their mutual benefit, and to determine whether it will be most advantageous for them to return him all, and wait a reasonable time for the recovery of their entire dues, or to adjust the payment with a certain loss, or to sell all and divide the produce.

And the presenting the said balance to the assembly, which the assignees shall convoke for that purpose, ought to be done by the most capable among them for explaining it; and he ought to be so circumspect in his behaviour on the occasion, as to give no offence by exclaiming against either the bankrupt or any of the creditors, for either real or imaginary offences, as this is contrary to the rules both of prudence and good manners; for these complaints should only be made to the supposed offenders by themselves, and not in a general assembly, it being scandalous and may move the passions of some, who may not have all the honesty and civility that could be wished, to be influenced by the outcry and unreasonable violence, to turn the meeting into a crowd and rout, and frustrate the design of their assembling, by dispersing them with noise without coming to any resolution.

If it is judged necessary by a majority of the creditors to appoint some one to recover debts that may appear to be in danger, it is lawful for them to do it provisionally, notwithstanding any opposition or appeal by the fewer number: and it is equally conformable to the king's ordinances, to pay off any mortgage or rent-charge (as these carry interest) with the ready money that shall be found in cash, although the minority should be against it; and this minority is always to be understood not to exceed one fourth part of the creditors in value, so that when three fourths of them consent to any thing, the opposition of the one fourth is not to be regarded.

What has been said hitherto, only regards the person who breaks through adventitious losses and misfortunes, and who consequently merits the charitable attention of his creditors; and we proceed now to speak of the treatment that the fraudulent French bankrupt has to expect from the laws of his country, and every one unhappily concerned with him.

The bankrupt, who becomes so with the premeditated intention to cheat, and unjustly rise up with the effects of those who have trusted him, deserves not only the aversion of all his creditors, but of the public, and merits an exemplary punishment; a fraudulent bankrupt being worse and more infamous than a highway robber, as travellers generally go provided to defend themselves from these latter, though it is not so easy to guard against an attack from the malicious designs of ill intentioned men.

The fraudulent bankrupts are *those*, who embezzle or convey away their effects to feigned creditors, that by their means they may bring their real ones to greater concessions, and benefit themselves by the sums, thus iniquitously obtained; *those* who put their effects under cover of fictitious names, by false sales of their estates or goods, and by pretended cessions, or conveyances of

them; in fine, *those* who destroy or hide their books, records, papers, and documents, to hinder an account of their effects from coming to the knowledge of their creditors, must also be reputed, and counted among the number of fraudulent bankrupts.

There is nothing so pernicious or dangerous to the state and public, as fraudulent bankrupts, for which reason, a punishment sufficiently severe, and adequate to the crime, is hardly yet discovered, notwithstanding there are many ordinances subsisting, which decree exemplary chastisements to those, who maliciously and in fraud of their creditors become bankrupts, though till the time of Henry IV. this crime was not punishable with death; but the frequency of it in that prince's reign, induced him to change the more lenitive laws of his predecessors, into the severer one now mentioned.

BANKRUPTCY in Holland. Experience daily demonstrates that it is in places of the greatest commerce that failures and bankruptcies most frequently happen; and the reason is not difficult to be discovered, as it is clear that among a great number of merchants, it would be a sort of miracle if all of them were equally successful in their enterprizes: if it were otherwise, to commence merchant, and lay a foundation for riches and prosperity, would be the same thing. But God has so disposed the affairs of this world, that we often see one merchant ruined and undone by the same trade which has enriched another; and, on the contrary, that traffic, which has been productive of great wealth to some, has proved ruinous and destructive to the estates and fortune of others. But not to dwell on these reflections, we shall mention the distinction made here between two sorts of bankruptcies, failures, or breakings, which are synonymous words, and though they seemingly express the same thing, the one however is more soft, and less heavy or burthensome than the other; for the name of a bankrupt is opprobrious and odious to all honest men, and is only applied to those who become so to enrich themselves at their creditors expense, or those who give room to suspect the honesty of their intentions, when they stop lightly, or for trivial causes; instead of its being only said that such a one has been unfortunate, or had the misfortune to break, when it is seen that he is reduced by insupportable losses, which every honest man is exposed to, by a great number of unforeseen accidents; but if he designs always to continue his integrity, and not wound his conscience in detaining for himself his remanent effects, which are justly his creditors, he will make no difficulty to deliver them up with his books, to communicate to them the true state of his affairs, and to commit himself to their mercy and discretion.

So that the chamber of the desolate funds (called in Dutch, *de kamer van de desolate-boedels*) which in the city of Amsterdam was not established for this last sort of persons, but with the sole view to prevent the knavery of those, who in breaking would retain to themselves the greatest part of the effects they possess, and frustrate their creditors endeavours to secure them; for when an honest man has the misfortune to fail, he makes no difficulty of declaring it to his creditors, and frankly to communicate the state of his circumstances and effects; and if his creditors find that the losses and disasters, which he alleges to have been the occasion of his stopping are true, and that his integrity stands unimpeached, they frequently agree on terms settled among themselves, leaving him something wherewith to endeavour his re-establishment; but if it happens that any of the creditors refuse to sign this agreement, he is obliged to declare his affairs at the chamber afore-mentioned, which (after the formalities in the following ordinance) will oblige the refusants to subscribe the agreement, if it has been settled between the insolvent and two thirds of the creditors for three quarters of the debt, or three quarters of the creditors for two thirds of the debt, as will be seen in the subsequent ordinance.

Instructions and orders for the commissioners of the desolated or ruined estates.

The states of Holland and West-Frise make known, that it has been remonstrated to us by the burgo-masters and regents of the city of Amsterdam, that they thought proper some years ago to establish in the said city a chamber

for the desolate estates, under certain regulations, as was then convenient; that they, the remonstrants, having seen such abundant fruits and good effects, that they were in the design, not only to continue it, but were desirous also to provide for it by a more particular and ample ordinance, drawn up on the plan, which the commissioners of the said chamber have made, and which they have found to be advantageous and necessary, by the experience they have had, according to the terms of the copy which has been delivered us, and hereafter inserted; that to the end so good a work might have greater force and virtue, the remonstrants have prayed, that we would be pleased to give our approbation and grant, in the best and most ample form, containing the said instructions and orders as follow:

I.

In the first place, there shall be yearly appointed, on the 4th of February, by the lords justices, five fit persons for the direction of the chamber, of which two shall be taken from among the old *schepvins* (which may be translated *aldermen*) and the others to be expert in trade.

II.

Of these commissioners there shall be at least two continued for three successive years, but not for any longer time; and touching the election and continuation of the others, it shall be done as is customary in the other banks and chambers directed by commissioners.

III.

The said commissioners shall assemble daily to attend all the affairs which may happen in relation to the insolvent funds or estates.

IV.

When there are any insolvent estates in the said city, or its jurisdiction, either by death or failure of some person, and that it shall have come to the knowledge of the said commissioners, they shall immediately go with their secretary (who shall be ordered thereto) and in their presence, or others appointed thereto, exactly inventory all the effects, and put them in good and safe custody, to the creditors greatest advantage, and as they judge they ought to be; they shall also secure without delay the books and papers appertaining to the said estates.

V.

The effects being so inventoried and secured, with the books and papers, they shall give order, that two or more persons be appointed trustees of the said funds, who by letters or express (if it is necessary) shall endeavour to secure all the estates, effects, and debts, belonging to the said funds, whether within or without the jurisdiction of that city, or of this country.

VI.

This being all done, there shall be let pass at least six weeks, or more, at the discretion of the commissioners, without proceeding to the sale of any of the effects; but the said time shall be left to the insolvent person, or to the relations of the deceased, to the end that in the said space, they may find some method to settle with the creditors; nevertheless the said trustees shall be using their endeavours during that time to recover whatsoever is due to the insolvent, and to procure and promote the creditors advantage.

VII.

And to the end that in such compositions every thing be done in order, all merchants or others who have already failed, or become insolvent, or that shall hereafter fail or become insolvent, and their heirs, may convoke or summon all their creditors before the chamber of the desolate funds, by citation of bills fixed up, or by letters of advice to those who live without the district of this city; and that in presence of the said commissioners, or the greatest part of them, they may (after a sincere opening and declaration of the state and condition of their stock, as also a true state of their debts and dues) undertake and draw up a composition or agreement, for the payment of what they owe, totally, or in part, on ready money, or in such a time (giving security) as they are able, and that the parties shall think reasonable.

VIII.

VIII.

And the minority of the creditors shall be obliged to follow and conform themselves to the majority; the which shall be three quarters of the creditors for two thirds of the debt, or two thirds of the creditors for three quarters of the debt.

IX.

But those who have securities or pledges, shall not be admitted to the agreement; but only those who have been securities, who alone shall have a personal action for their indemnity, and the same right, and of the same nature with the personal creditors.

X.

All those who pretend to be creditors of an insolvent estate, shall also be obliged to justify their debts before the commissioners of the desolate funds, who in case of dispute shall determine it, whether the failed has agreed or not.

XI.

No agreement begun between the failed (or any one on his part) and the creditors, shall be made nor concluded, but with the said commissioners consent.

XII.

The agreement between the insolvents (or their heirs) on the one part, and their creditors on the other, being made under sufficient security, and signed by the creditors, or the greatest part of them; the parties agreed, and their effects, shall be discharged from the said chamber, and restored to their former liberty, to trade, receive, and pay, in the same manner as before their failure, after paying the said commissioners all the expenses occasioned on account of their said affairs, at their discretion; so that in the mean time they shall not satisfy any one of their creditors to the prejudice of the others, under penalty of forfeiting the said agreement.

XIII.

And the failed and his securities shall be obliged to furnish and put into the said commissioners hands, as soon as the agreement shall have been passed as aforesaid, on the day and on the terms therein contained, for the security and advantage of the creditors, the sums they shall have promised, *pro rata*, of what they owe, to the end that the said creditors may receive their sum from the said commissioners when they shall come to sign the agreement.

XIV.

Nevertheless, if it is found that the insolvent or his heirs have acted knavish and fraudulently, in, or after making the composition, either by having hid his books, letters, or papers, removed their effects, merchandizes, or debts, conveying them away to defraud their creditors; or that they have underhand agreed with some one of the creditors on other conditions; such shall not only have their agreement set aside, but shall be corrected and punished according as the case requires.

XV.

And those who shall pretend to be, and make themselves pass for creditors (without being so) by an understanding with the insolvents, or from their own motive, against their knowledge, or that demand a greater sum than their due (in order to wrong the creditors, and benefit the insolvent) they shall be punished as cheats, and besides be condemned to pay, as their own debt, all the creditors.

XVI.

The aforesaid time of six weeks, or more, at the commissioners discretion, being past, without their having been able to mediate an agreement, the trustees shall proceed directly to the sale of the effects, as well moveable as immoveable, as also the stocks and credits, provided that the immoveables are not sold without the consent of the eschevins, and between the 1st of November, and the 2d of February (*dans les douze nuits.*) But the merchandizes, furniture, and other effects, may be sold publickly, and at auction, at the discretion of the said commissioners, without prejudice to the rights of the secre-

taries and keeper. But in case there should be among the effects some merchandize, which it should be thought proper to keep for some time unfold, either upon account of an apparent rise or price, or for some other strong reason alledged by the trustees to the commissioners, then the sale of the said merchandize may be retarded for some time, but not otherwise.

XVII.

All this being performed, the commissioners shall appoint a day for their sitting on the acts of preference and concurrence, by which day all the known creditors inhabiting this city shall be summoned by the usual citation, those abroad by letters of advice, and the unknown by bills fixed up; with a convenient interval of time, to the end that on the said day they may come to give in their names and their acts of pretensions, whether they be for a preference or concurrence.

XVIII.

The fixed day being come, the commissioners shall first proceed to examine the debt, and the preference of every one of the creditors present, who shall endeavour to agree on this subject; if this cannot be done, the creditors, who cannot agree together, shall each be ordered to deliver into the commissioners hands, in the space of fourteen days, according to the state of affairs, a distinct demand, with the necessary pieces and documents properly inventoried, on penalty, that if in the aforesaid time, any one shall be found that has not furnished the said demand, he shall be held and regarded as desisting from his pretension, and right shall only be made on the demand, and on the evidences delivered by the other pretenders: those also who in the said fourteen days have furnished their instruments and proofs, may demand, in other fourteen days after, a copy of the pretensions and deeds of every one of those who have produced them, to the end that in other fourteen days following, they may write to debate and contradict, without allowing any longer time for it; but after the said time of twice fourteen days, the thing shall be held to be in a condition to be judged, and the commissioners shall decree upon the instruments which shall be till then delivered.

XIX.

The preference being regulated and determined, those who think themselves aggrieved thereby, may apply in ten days after the publication, or after they have had knowledge of it, to the eschevins, in conformity with the thirteenth article of the eighteenth chapter of the ordinance, and the instruments shall remain in the secretary's hands until the said time is past, or till the appeal is renounced; so that the impetrant, or petitioner, must, after having received appointment from the auditor, dispose so, that they may be put, all perfect and concluded, in ten days after the demand, into the eschevins hands, to be adjudged *ex iisdem actis* A BENEVEL MALE, under penalty of the nonsuit, or dropping the appeal; and the sentence of the eschevins shall be provisionally executed, without diminution, and without prejudice of more ample pleadings.

XX.

The commissioners shall afterwards proceed to a repetition, without attending that all the money be fallen due or come in; but those who are to be preferred to others shall be admitted, in order to receive their debt, on giving an acquittance and security, or else on receiving it from the hands of the commissioners, according to the state of the affairs of the effects, and the remaining money shall be distributed and paid to the other creditors *pro rata*, under a parallel security, which shall be given in the secretary's office. Nevertheless, the creditors, who in right, as shall be found in the sequel, ought to be the first; as also those who have not been able to learn the settling of the preference and concurrence soon enough, may demand a fresh day to appear in, to the end that they may be heard, at their expence, on the preference and concurrence.

XXI.

If a tenant of any house he inhabits, happens to fail between the month of May and the first of December, in this

this case the proprietor, or he that let the house, shall retake it for the years the lease has yet to run, and so discharge the estate; so that he shall only have the right of preference upon the effects which shall be found in kind in the house, for the hire of the current and preceding year, and for no longer; and for what might be due to him before that time, he shall equally concur with the other creditors.

XXII.

But the failure happening between the first of December and the month of May following, the rent shall remain for account of the desolate funds for a year, commencing from the month of May, except the proprietor shall think proper to retake upon him the said house for the said year.

XXIII.

And as the advantage of the creditors consists in having the affairs of an estate soon finished, and that honest men may have their own the soonest possible, the creditors that would prove their debts, or that would reclaim some effects from the estate as their property, shall henceforward proceed in the first instance before the said commissioners in the following forms against the trustees, who in this case shall be defendants, and who on the contrary shall proceed as plaintiffs against those who shall be found to be debtors, or responsible to the estate.

XXIV.

The creditors who would prove their debts, and all others reclaiming any effects of the estate, as their own, shall be obliged to enter their action against the trustees in the time, or at latest before the sitting for the preference and concurrence, and before the sale and removal of the said effects; and to this end they shall appoint the trustees three days before by sending them their demands with the citation, as also a copy of all the instruments and papers of which they intend to make use; and in case the plaintiffs do not appear on the day appointed, they shall be nonsuited, and the instance discharged with condemnation of charges, which the plaintiffs shall pay before they can make a new instance.

XXV.

But if any one has arrested the effects, which he maintains to be his, he shall be obliged to cite the trustee within the third day of the arrest, and to establish his action under penalty of a nonsuit.

XXVI.

The trustees being cited or appointed as before, and not appearing, there shall be default against them; and on having a second citation, and not appearing, the commissioners shall judge upon the demands and papers of the party appearing alone, and those summoned shall be condemned to the expence of the process *propter contumaciam*.

XXVII.

The parties summoned appearing, the cause must be pleaded and determined forthwith, without giving or taking a day to reply, except some strong reasons induce the commissioners to permit it.

XXVIII.

If the trustees summon any one in the manner aforesaid, and afterwards they do not appear themselves, they shall be nonsuited; with the same advantages to the person summoned as is before mentioned; and in this case the trustees shall be obliged to pay the expence out of their own pockets.

XXIX.

But the parties summoned not appearing, the first default shall be granted, with a second citation for the week following, and on non-appearance the second time (the citation being duly made) a second default shall be granted, with a provisional assignment, and a third citation to see to change the assignment into a definitive condemnation, or to establish a right in some other manner.

XXX.

But if the parties summoned appear, they may conclude and finish their cause in pleading, or take a day in the

following week, on which day the cause coming again to be considered, it must of necessity be then determined and concluded, if the commissioners have not reason to order otherwise.

XXXI.

The trustees having arrested any person or effects, shall be obliged at the instance of the arrested or interested person, to bring the prosecution in three days before the commissioners, to make their demand and join issue; upon which, the person arrested or interested must answer, or that he takes a day to do it, without derogating from the provisional determination, under security, if the thing is found to be so disposed; but the person arrested or interested, not making any prosecution, the arrest shall be brought back and prosecuted the next Vierschar, according to custom.

XXXII.

The cause being prepared and pleaded, the commissioners shall dispose of the provision, or principal, according to the state wherein it is found, and if either the one or the other party will appeal, the cause shall be carried and prosecuted before the *eschevins*, on the *rolle privilegie* (privileged list or catalogue) who shall determine it, and the execution shall be done by provision, without prejudice of more particular pleadings.

XXXIII.

The creditors of any insolvent funds, being discontented with the proceedings and bad management of the trustees, may make their complaints to the said commissioners, who shall cite the trustees, hear them, and settle affairs; proceeding according to the exigency of the case.

XXXIV.

The persons whom the said commissioners shall establish trustees of the insolvent estates, shall be obliged to give them sufficient security for all their administration, at the discretion of the said commissioners, that they may have recourse against the securities, in case of any misdemeanor of the trustees, unless these latter were elected from among the creditors.

XXXV.

The trustees, or assignees from among the creditors, having received any money belonging to the estate, must not keep it with them, but shall immediately deliver it to the said commissioners.

XXXVI.

And those who shall be called or advertised, shall be obliged to appear not only at the end of their administration, but at all times, before the said commissioners, to give in their accounts and proofs; and being called for this purpose, they shall be obliged to appear on the first order, on pain of three guilders mulct if they have a second summons, and of six guilders at the third; and if notwithstanding they fail to appear, and do not give in any account, they shall be called a fourth time on penalty of imprisonment, after that the said commissioners have communicated it to the *eschevins*.

XXXVII.

And at the end of the trustees administration, when the commissioners shall discharge them from their trusteeship, they shall grant them what they think proper for their trouble.

XXXVIII.

Any one of this city or its jurisdiction, being desirous to make a cession of his effects, the said commissioners shall provisionally put them in security, under the care of the persons whom they shall establish for that purpose, as soon as the letters of cession shall have been delivered to the creditors, and they shall have enquired about the validity of the cession, to the end that they may give advice to the *eschevins*.

XXXIX.

And to prevent as much as possible, all the abuses and bad practices which are daily perpetrated by many persons, in the petition and solicitation of the letters of the burgo-masters of this city, to the noble, high, and mighty lords the States of Holland, to obtain *safety of the body*, and the

continuation of it; the said commissioners shall make an exact information of the state and condition of the premises, to let the burgo-masters know it, and to serve them for information and advice.

XL.

Any one being summoned, he shall be obliged to appear before the commissioners, and in default shall pay six stivers mulct for the first time, twelve stivers for the second, and twenty-four stivers for the third; after which the said commissioners shall acquaint the Eschevins with it, and send to fetch the persons by one of their substitutes.

The remainder of this ordonnance relates only to the government of the clerks and trustees belonging to the said chamber, and is immaterial to this discourse. The laws concerning bankrupts being but few, and generally ill observed in other countries, we shall not enlarge further on this subject.

BANTAM is the capital of one of the two kingdoms, whose kings divided the empire of the isle of Java; he of Bantam extends his dominions even into the isle of Sumatra, on the other side of the Streights, where he possesses Sillebar, Dampin, and Lampon. Bantam was, before the Europeans had penetrated into the east, one of the most trading cities of India; the Arabians, Turks, Moors, Chinese, and almost all the nations of India sending their ships there.

The English were the first Europeans who here obtained a settlement, where their commerce flourished for a long time; but the Dutch have remained here masters ever since they unjustly deprived our countrymen of it.

There is no place in the isle of Java where refreshments cost less than here; the natives, who on the ships arrival bring them in plenty, are contented with payment in pins, needles, small knives, &c. See JAVÀ.

BAOBAB, is a tree of a new genus, which grows in Senegal in Africa, and may be justly reputed the largest vegetable production in nature, and therefore by its vast magnitude a more singular and remarkable phenomenon than all the histories of botany, or perhaps of the world have yet produced.

The real name of this tree is *baobab*; the Oualofs, natives of the country, call it *goui*, and its fruit *boui*; and the French know it by the name of *calabassier*, or *calibass-tree*, and call its fruit *pain-de-singe*, or *monkey's bread*.

The *baobab* cannot grow out of a very hot climate; it delights in a sandy and moist soil, especially if this soil is free from stones that might hurt its roots; for the least scratch they receive is soon followed by a canker communicating itself to the trunk of the tree, and causing it infallibly to perish.

The trunk of this singular tree is not very high: M. Adanson (who has communicated his observations on the *baobab* to the French academicians, printed in their memoirs for the year 1761) saw hardly any exceeding 12 or 15 feet, from the roots to the branches; but he had seen several 75 and 78 feet round, that is, from 25 to 27 feet in diameter. The first branches extend almost horizontally; and being very thick, and about 60 feet in length, their own weight bends down their extremities to the ground; the center branches rise perpendicularly, but so as to make a shelving, and the tree being thus regularly rounded, its trunk is absolutely hidden, and it appears as an hemispherical mass of verdure, of about 120, 130, or 140 feet in diameter.

The roots of the *baobab* are answerable to its size in all respects: to the branches above, there is a corresponding number of radical branches below. That of the middle forms a pivot that strikes very deep into the earth, but the rest spread towards the surface. M. Adanson had seen one laid open by a current of water, in the extent of upwards of 110 feet; and it was easy to judge by its bulk, that what still remained under ground, was at least 40 or 50 feet long; and yet this tree, compared with others, was but of middling bulk.

The bark of the trunk is greyish, smooth, and, as it were, unctuous to the touch: stripping it off, the inside appears of a green, pricked with red; the thickness is about 8 or 9 lines. The bark of the younger branches is green and thinly disseminated with hairs: the wood of the tree is very soft and white.

The leaves are about 5 inches long and 2 broad, and pointed at both extremities, pretty thick, of a sprightly green on the upper side, and pale underneath; and adhering 3, 5, or 7, but most commonly 7, in the manner of a fan, on a common pedicle, much like those of the chestnut-tree. They only grow on the young branches, whereon the pedicles are alternately placed. The blossoms or flowers are in proportion to the tree, not yielding in magnitude to the largest we know of. They form, when still in the bud, a globe of about 3 inches diameter; and when blown, are 4 inches long and six broad. After the falling of the petals and the stamina, the ovary, as it ripens, becomes an oblong fruit, pointed at both extremities, 15 or 18 feet long, and five or six broad, clothed with a kind of greenish down, under which is found a ligneous, hard, and blackish rind or peel, and marked with 12 or 14 furrows, dividing it lengthwise into ribs. This fruit hangs from the tree by a pedicle of about two feet in length, and contains a kind of pulp or whitish substance, spongy, and full of sourish water. The pulp seems to make but one mass, when the fruit is new; but, in drying, shrinks and divides of itself into a great number of bodies, with several facets, each containing a brown shining side, nearly of the figure of a kidney-bean, 5 lines in length, and 3 in breadth; and the pulp that surrounds them, is easily reduced into a powder, brought hither from the Levant, and known, for a long time, by the very improper name of *terra sigillata* of Lemnos, because indeed the Mandingues carry it to the Arabs, who afterwards distribute it in Egypt, and through all the eastern parts of the Mediterranean. Prosper Alpinus was very sensible that this powder was vegetable; but certainly one might not be aware of seeking after in Senegal, a drug that is imported from the Archipelago.

M. Adanson believes that the *baobab* may be naturally classed with the malvaceous plants that have been one calix. This tree cannot be transplanted, neither when it begins to rise, nor when it is ten years old, as its root would almost infallibly perish. The best plant is that which is from six months to two years old; branches sometimes take from a slip, but they frequently fail; and the progress even of those that do is always slower than that of the plant rising from the seed. Besides the canker that attacks the trunk of the tree when its roots are hurt, it is also subject to another malady, more rare indeed, but not less fatal to it. This is a kind of mouldiness that gets into the whole ligneous body, and which without changing the texture of its fibres, softens it to the degree of its having no more consistence than the ordinary pith of trees; then it becomes incapable of resisting the ordinary blasts of wind, and this monstrous trunk is broke down by the least storm. M. Adanson had seen one in this condition; it was inhabited by a great number of the grubs of beetles and chafers: they did not, however, seem as if they had contributed to the distempered state of the tree; but their eggs might have been introduced into the wood in growing soft, the same way as an infinity of insects introduce their eggs into the willow-tree, when it undergoes a similar state of softness, though they do not attack it when it is found.

The real country of the *baobab* is Africa, and particularly the western coast of that part, which extends from the Niger to the kingdom of Benin. It is not found in the catalogues of the Asiatic plants, nor of those of America; yet might be actually in some of the climates of those two parts of the world which resemble that part of Africa that produces it; but the tree does not grow there spontaneously. The negro slaves, yearly transported from Africa into the American colonies, fail not to carry with them a little bundle of seeds, which they presume will be of service to them, and among these are always some seed of the *baobab*. It is probably to this transportation that are or will be owing the *baobabs* found there, such as that M. de Chanvallon, a correspondent of the French academy, says he had seen at Martinico, and which indeed was but young. They may perhaps be naturalized to the climate; but this will not be their first origin, and none for a long time will be seen equal in magnitude to those of the coast of Africa; for though a very tender wood, they take up a great time in growing to this enormous bulk.

M. Adanson has carefully collected all the facts he believed

lived could give him any insight in regard to this article; he had seen two of these trees in one of the Magellan isles, on the bark of which were cut European names and dates, whereof some were later than 1600, others were as far back as 1555, and had been probably the work of those who accompanied Thevenot in his voyage to the *Terra Australis*; for he says himself he had seen *baobabs* in that place: others, in fine, appear prior to 1500; but these might be questioned, the characters of the names being about six inches high, and the names taking up two feet in length, that is, somewhat less than the eighth part of the circumference of the tree. Supposing even that these characters had been cut in the early youth of the tree, it would follow that, if in 200 years it grew six feet in diameter, it would require upwards of eight centuries to be 25 feet in diameter, supposing it always grew equally; but this supposition can hardly be considered as true; for M. Adanson observed, that the growth of this tree, very rapid in the first years succeeding its birth, diminishes afterwards very considerably; and though the proportion of this diminution is not well known, it might be thought, he fancies with good reason, that the latter growth of the *baobab* proceeds with an extreme slowness, and that such of those trees which have arrived to the abovementioned bulk, might have first appeared out of the earth not long after the time of the universal deluge; but what is very deserving of notice is, that those raised elsewhere carefully, pursuant to the temperature of their climate, do not receive at most but the fifth part of the increase they have at Senegal in the same time; an observation which should prove, if it was possible to doubt of it, that artificial heat, in regard to exotics, can be but a very imperfect substitute to that which they experience in their natural climate.

The *baobab*, as all the other plants of the malvaceous tribe, has an emollient virtue, capable of maintaining in the body an abundant transpiration, and of opposing the too great heat of the blood. The negroes dry its leaves in the shade, and reduce them into a powder they call *lalo*, which they mix with their aliments, not for giving them a relish, for the *lalo* has scarce any taste, but for obtaining the just mentioned effect. M. Adanson himself experienced the same virtue; and the decoction of these leaves preserved him and a French officer, who confined himself to this regimen, from the heat of urine and hot fevers, which usually attack foreigners at Senegal during the month of September, and which raged still more furiously in 1751, than they had for several years past. The fresh or newly gathered fruit of this tree is not less useful than its leaves; its pulp is eaten, which is subacid and agreeable enough; and in mixing its juice with water and a little sugar, a liquor is made, attended with the best effects in all hot affections, and in putrid or pestilential fevers; lastly, when the fruit is spoiled, the negroes make an excellent soap of it, by burning it, and mixing its ashes with the oil of the palm-tree that begins to be rancid.

The negroes make still a very singular use of this monstrous tree. It was said that it was subject to a caries, which often hollows its trunk; they enlarge those cavities, and make a sort of chambers, where they hang the dead bodies of those they are not willing to grant the honours of burial to; those bodies dry there perfectly, and become real mummies without any other preparation. The greatest number of the bodies so dried is of the Guiriots: these people may be compared to the ancient bards and jugglers, so famous among our ancestors. They are poets and musicians, and have a kind of inspection over feasts and dances. Their number is always pretty considerable at the courts of the negro kings, whom they divert and flatter to an extravagant degree in their poetical compositions. This kind of superiority of talents makes them dreaded by the negroes during their life; they attribute it to something supernatural: but, instead of making, as the ancient Greeks, their poets the children of the gods, they regard them, on the contrary, as forcerers, and ministers of the devil; and believe that in that quality they should draw down malediction on the earth, or even on the waters which might receive their bodies; it is therefore that they hide and dry them in the hollow trunks of the *baobab*.

Homer relates that Ulysses had made for himself at Ithaca, a complete bedstead of the trunk of an olive-tree,

supported on its roots, about which he had afterwards built a chamber. If this prince had in the precinct of his palace a *baobab-tree*, he might have extended the singularity still farther, and procured himself a chamber and all its furniture cut out of the same piece of wood.

The *baobab* was never described properly, either as to leaves, fruit, or flowers, before M. Adanson; and as Senegal is now one of our possessions on the coast of Africa, the produce of this tree may in a great measure become an important object of our commerce.

BARATRY, in a marine sense, is in England, when the master of a ship, or the mariners, cheat the owners or insurers, whether by running away with the ship, sinking her, deserting her, or embezzling the cargo.

If goods delivered on ship-board are embezzled, all the mariners ought to contribute to the satisfaction of the party that lost his goods, by the maritime law, and the cause is to be tried in the admiralty. 1 *Litt.* 368.

A master of a ship, if a minor, undertaking to bring goods from any place abroad to England, if he wastes and consumes them, he may be prosecuted in the court of admiralty, though he be an infant. *Roll's Abr.* 530.

And, where a ship was insured against the *baratry* of the master, &c. in an action brought thereupon, the jury found that the ship was lost by the fraud and negligence of the master: the court held, that if the master run away with the ship, or embezzle the goods, the merchant may have the action against him; for it is reasonable that merchants, who hazard their stocks in foreign traffic, should secure themselves in what manner they think proper against *baratry* of the master, and all other frauds; and this must be intended fraud in the master, not a bare neglect; and all agree that fraud is *baratry*, though not named in the covenant; but negligence might not. *Mod.* case 230, 231.

Baratry of the mariners is a disease so epidemical on ship-board, but it is very rare for a master, be his industry never so great, to prevent it; a span of villainy on ship-board soon spreads out to a cloud, from the encouragement that one knavish mariner gives another.

However, the law does in such cases impute offences and faults committed by them to be negligence in the master; and, were it otherwise, the merchant would be in a very dangerous condition. *Molloy*.

The reasons why he ought to be responsible is, that the mariners are of his own chusing, and under his correction and government, and know no other superior on ship-board but himself; and, if they are faulty, he may correct and punish them, and justify the same by law; and likewise, if the fact is apparently proved against them, he may re-imburse himself out of their wages. *Roll's Abr.* 533.

And therefore, in all cases, wheresoever the merchant loads abroad any goods or merchandizes, if they be lost, embezzled, or any other ways damaged, he must be responsible for them; for the very lading them abroad makes them liable, and that as well by the common law as the law marine. 1 *Ven.* 190, 238. *Raym.* 220. 1 *Mod.* 85.

Nay, if his mariners go with the ship-boat to the key or wharf, to fetch goods on ship-board, if once they have taken charge of them, the master becomes immediately responsible, if they steal, lose, damnify, or embezzle them.

A master of a ship is more than one, who, for his knowledge in navigation, fidelity, and descretion, hath the government of the ship committed to his care and management; and, by the common law (by which properties are to be guided) he hath no property, either general, or special, by the constituting of him a master; yet the law looks upon him as an officer, who must render and give an account for the whole charge, when once committed to his care and custody; and, upon failure, to render satisfaction: and therefore, if misfortunes happen, either through negligence, wilfulness, or ignorance of himself, or his mariners, he must be responsible.

A, master of a ship, so appointed by B, owner, treats with the plaintiff to take the ship to freight for eighty tons, to sail from London to Falmouth, and so from thence to Barcelona, without altering the voyage, and there

there to unlade, at a certain rate *per ton*; and to perform this, the master obliges the ship and what was therein, valued at 300*l*; and, accordingly, a charter-party was made and sealed, between the master and the merchant; but the owners of the ship were no parties thereunto. The master deviates, and commits *baratry*, and the merchant, in effect, loses his voyage and goods; for the merchandize being fish, came not till Lent was past, and were rotten. The merchant's factor thereupon sueth the master in the court of admiralty at Barcelona, and, upon appeal to a higher court in Spain, hath sentence against the master and the ship; which coming to his hands (*viz.* the merchant's hands) the owner brings an action of trover for the ship; the master sues in chancery to stop this suit, and another suit brought for the owner for freight, claiming deductions out of both, for his damages sustained by the master, for the breach of the articles by the master; for, if the owner gives authority to the master to contract, he shall bear the loss; but, in case of bottomry, after a voyage begun, the master cannot oblige the owner beyond the value of the ship: but this case is on contract.

Lord chancellor. The charter-party values the ship at a certain rate, and you shall not oblige the owner further, and that only with relation to the freight, not to the value of the ship; the master is liable to the deviation and *baratry*, but not the owners; else masters should be owners of all men's ships and estates. *Mich. 29 Car. II.*

But, where the master of the ship took beef, sails, &c. on credit, and failed, the owners were obliged to pay, and not allowed to defend themselves by insisting that the master was liable only, and that they had given him money to pay the plaintiff. He is but their servant, and where he buys, they are liable, and continues so, if he has not paid the creditors, though they gave him money for that purpose. *2 Vern. 643.*

If any fault in the master or mariners be committed in any port, haven, river, or creek, or any other place, which is *infra corpus comitatûs*, the common law shall have jurisdiction to answer the party damnified, and not the admiralty [*see ADMIRALTY*]; but if the same be committed *super altum mare*, the admiralty shall have jurisdiction of the same; yet if it be on a place where there is *divisum imperium*, then, according to the flux or reflux, the admiralty may challenge; the other of common right belonging to the common law. *5 Co. 1707. Mod. 891, 916.*

The common law is the over-ruling jurisdiction in this realm; and they are to intitle themselves well who would draw a thing out of it. *Lord Raym. 272.*

And, therefore, as soon as merchandizes, and other commodities are put aboard the ship, whether she be riding in port, haven, or any other part of the seas, he that is *exercitor navis* is chargeable therewith; and if the same be there lost or purloined, or sustain any damage, hurt, or loss, whether in the haven or port before, or upon the seas, after she is in her voyage, whether it be by mariners, or by any other through their permission; he that is *exercitor navis* must answer the damage, for that the very lading of the goods aboard the ship does subject the master to answer the same. *F. Naut. caup. stat. leg. 1. sect. 2, 3, 6, 7.* And with this agrees the common law, where it was adjudged, that goods being sent aboard a ship, and the master having signed the bills of lading for the same, the goods were stowed, and in the night divers persons, under the pretence that they were presters-masters, entered the ship, and robbed her of these goods; the merchant brought an action at the common law against the master; and the question was, whether he should answer for the same? It was alledged on his part, that there was no default or negligence in him, for he had a sufficient guard; the goods were all locked up under hatches; the thieves came as presters-masters, and by force robbed the ship; and that the same was *vis major*, and that he could not have prevented the same: and, lastly, that though he was called master, or *exercitor navis*, yet he had no share in the ship, and was but in the nature of a servant, acting for a salary. But notwithstanding, it was adjudged for the plaintiff; for at his peril he must see that all things be forth-coming, that

are delivered to him; let what accident soever happen (the act of God, or an enemy, perils and dangers of the sea, only excepted) he being looked upon by the law as a common carrier; and that, though he receives a salary, yet he is a known and public officer, and the plaintiff hath his election to charge either master or owner, or both at his pleasure; but can have but one satisfaction. *Molloy.*

Thomas Knight, Esq; against Richard Cambridge.

This case shewing the *baratry*, we shall give it at large, as delivered by Lord Raymond.

Cambridge brought a writ of error upon a judgment given against him in the Common-Pleas, in an action brought by the plaintiff upon a policy of insurance of the ship Riga Merchant, at and from Port Mahon to London. And serjeant Braithwaite for the plaintiff in error insisted, that the judgment was erroneous, because the breach was ill assigned; because the policy was, that the defendant, Cambridge, should insure the said ship, among other things, against the *baratry* of the master, and all other dangers, damages, and misfortunes, which should happen to the prejudice and damage of the said ship; and the breach assigned was, that the ship in the said voyage, *per fraudem et negligentiam magistri navis prædictæ depressa et submersa fuit, et totaliter perditæ et amissa fuit, et nullius valoris devenit.* This, he insisted, was not within the meaning of the word *baratry*; but the breach should have been expressed, that the ship was lost by the *baratry* of the master. Besides, the owner of the goods has a remedy against the owners of the ship, for any prejudice he receives by the fraud or neglect of the master; and, therefore, there is the less reason the insurer should be liable. Besides, if the word *baratry* should import fraud, yet it does not import neglect; and the fact here alledged is, that the ship was lost by the fraud and neglect of the master. But the court was unanimously of opinion, that there was no occasion to aver the fact in the very words of the policy; but if the fact alledged came within the meaning of the words in the policy, it is sufficient. Now *baratry* imports fraud, *Du Fresno Glossar. verbo barataria, fraus, dolus*; and he that commits a fraud, may properly be said to be guilty of a neglect, *viz.* of his duty. *Baratry* of a master is not to be confined to the master's running away with the ship; and the general words of the policy ought to be construed to extend to losses of the like nature as those mentioned before: now losses arising from the fraud of the master, are of the same nature as if he had run away with the ship, supposing *baratry* was to be confined to that, which it is not, because it imports any fraud. And judgment was affirmed; April 27, 1724. *Lord Raym. 1349.*

BARB, a Barbary horse. *Barbs* are very much esteemed for their strength and their swiftness, and more still, perhaps, on account of their scarcity. They are commonly of a slim shape, and have very thin legs. They are used both for the saddle and for coaches; and they make exceeding good stallions for studs.

BARBADOES, one of the British Caribbee Islands, situate in the Atlantic Ocean, more easterly than any of the rest, was primarily granted by King Charles I. (on his coming to the crown) to James, earl of Carlisle, who having sold some parcels to several adventurers, they transported themselves thither; and the first improvement they attempted was planting tobacco; but this not succeeding according to expectation, they proceeded to try cotton and indigo, which afforded them much better returns. They made little or no sugar till 1647, when the colonels Modiford, Drax, and Walrond, and several other cavaliers, were induced by their uneasy situation in England under the usurper, to convert their estates into money, and to seek a quiet recess in this fertile isle, carrying with them such implements and machines as were proper for sugar works, which they intended to propagate, as seemingly the commodity best adapted to the soil; and in which experience has proved they were not deceived; for it is said, that colonel Drax in a few years acquired an estate of 7 or 8000 *per annum*, and married the then proprietor's (the Earl of Carlisle's) daughter.

The encrease of its riches and inhabitants was a consequence of the soil's fertility, and a reward of the planter's industry, and indeed is unparalleled by any settlement of any nation whatsoever; for in 1626, this country was so far from being settled, that it was quite uninhabited, affording nothing for the support of life, and over-grown with shrubs and bushes, enough to discourage the attempts of the first planters to clear it; yet in the space of fifty years, this incumbrance was quite destroyed, and by an exact calculation, there were in the island at this period, fifty thousand white people, (of whom twenty thousand were able to bear arms) and eighty thousand negroes; a surprizing populousness on so small a spot, and in so short a time! though it is probable the inhabitants would still have encreased, had not an epidemical distemper among the whites, begun in 1691, swept off such numbers of them, that the calamity has not been repaired to this day; and it is supposed, that at present there are not above thirty thousand white people on the island, and of negroes, mulattoes, mestive slaves, about an hundred thousand.

In 1661 this island was purchased by King Charles II. of the Lord Kinoul, heir to the Earl of Carlisle, since which time it has continued unalienated by the crown. It lies in thirteen degrees of north latitude, and fifty-nine of western longitude, being about twenty-five miles in length, and fifteen in breadth, very little bigger than the Isle of Wight, and supposed to contain, according to a round computation, a hundred thousand acres. The whole is so intirely planted with canes, that even the common necessaries are not cultivated or raised here; so that corn, flesh, and fish, are for the most part brought from the northern colonies, besides fuel, and all sorts of slaves and boards.

Bridge-Town, or *St. Michael's*, is the only one of any consequence in the island, being situate in Carlisle-Bay, and contains between ten and twelve hundred houses, tolerably well built with brick or stone, defended by three castles, and accommodated with good wharfs and keys, for landing and loading of goods.

The product of the isle, as has already been remarked, is principally sugar; though, besides this, great quantities of rum are distilled from the molasses, and it affords some cotton, indigo, ginger, and pimento; all which it returns us in lieu of the manufactures and commodities it is so largely supplied with from hence, besides the advantage arising from an employ of shipping necessary to furnish them with the Madeira wine they want, this being the principal beverage of the rich and opulent in the West-Indies.

BARBARY. See **AFFRICAN COASTS**.

BARBATINA, or **SEMEN CONTRA**, a seed which is efficacious in extirpating worms from the human body, to which children are chiefly liable.

The plant which produces this seed, is a kind of wormwood, and has such small leaves, that they can hardly be distinguished from the seed itself. It is pretended, that some of it grows in the province of Xaintonge in France; but that which the druggists sell comes from Persia, and from the borders of Mulcovy. The English, French, and Dutch, get it from Aleppo, by the way of Alexandretta, Scanderoon, and Smyrna.

This seed, to be good, ought to be plump, of an agreeable scent, and very green; especial care must be taken that it be not dyed green, and that the seed of southernwood be not sold instead of it.

The English and Dutch make sugar-plums of this seed, as is done with anise-seed.

BARBERRIES, (*oxyacantha*) a thorny shrub, known to most men to bear a berry or fruit, red, and of a sharp taste.

These berries are mentioned among drugs to be garbled in *stat. 1 Fac. cap. 9*.

BARBERS are incorporated with the surgeons of London; but not to practise surgery, except drawing of teeth. *Stat. 32 Hen. VIII. c. 42*.

The boy intended for this business ought to be genteel, active, and obliging; to have a sweet breath, and a light hand. The business of a barber is shaving and making perriwigs: the former requires these qualifications; and the latter, some ingenuity, to imitate all

the various fashions introduced by the folly of mankind. But in this trade, little learning is necessary; reading, writing, and the common rules of arithmetic being sufficient. There are however some perriwig-makers who do not shave.

The barbers and perriwig-makers also make a kind of perriwigs for the ladies, among which they have imported a sort, impudently called by the French, as if they intended to affront all the fair who wore them, *tête moutons*, or *sheep's heads*; but the English ladies, from their complaisance for that nation, wear the wig, give it the French name, and pocket the affront.

Cutting and curling of hair is also another branch of the barbers business; though others apply themselves wholly to it, and are therefore called *hair-cutters*. The wages of a journeyman barber are but small; but if he has a good set of acquaintance, and can be settled in a shop advantageously situated, he may set up with fifty pounds. However, as he must give credit, he will soon have occasion for a larger sum of money, to enable him to carry on business in a handsome manner. The barbers take with an apprentice from five to twenty pounds.

BARCALAO, a Spanish word, which the French pronounce *Bacala*, or *Baccaliau*. By this last name the Basques most commonly call the fish which we stile *cod*; and those people also call the isle of Newfoundland, the *Isle of Baccaliau* (*Cod land*) because of the great plenty of cod that is catched there. There is however, a league to the west of that large island, another small one, which is more particularly called *Baccaliau*.

The *barcalao* is a kind of cod, perfectly like that of Newfoundland, and is to be met with in several parts of the South-Sea; but the greatest quantity is catched on the coast of the island of Juan Fernandez, eighty leagues to the west of Valparaiso, on the coast of Chili.

D'Apremont, a Frenchman by birth, who had been life-guard-man to Lewis XIV. was the first who taught the Spaniards of Peru to catch, cure, and dry this cod, about the year 1713. See **BISCAY**.

BARGAIN, a contract, or agreement, in buying and selling. Hence, to buy a good bargain, is to buy cheap. It is also a contract, or agreement, to give a certain merchandize for a certain price: so that there are three things chiefly requisite to make a bargain complete, or perfect. 1. The merchandize sold. 2. The price. 3. The mutual agreement, or consent. See **CONTRACT**.

BARGAIN and SALE, is a contract in consideration of money, passing an estate in lands by deeds indented and enrolled. This manner of conveying lands is created and established by the 27 Hen. VIII. c. 10. which executes all uses raised; and as this has introduced a more secret way of conveyancing than was known to the policy of the common law, therefore the enrolment of the deed of bargain and sale was made necessary by the 27 Hen. VIII. c. 16.

BARGE, a kind of state or pleasure-boat, chiefly used on rivers, &c. which lead to great cities.

There are various kinds of barges, and, according to the variety of their uses and structures, they acquire various names. As of *royal-barge*, a *ship's barge*, a *sand barge*, &c.

BARIGA, a species of raw-silk brought from the East-Indies.

BARK, a denomination given to small vessels of different constructions, whose chief use is to transport merchandize from maritime ports, into the inland parts of a country, where there are canals and small rivers that are not navigable by larger vessels. In France, the common term for all the different sorts of vessels used for these purposes, is *barques*; in Holland and Flanders, they are called *bilanders*; and in England *barges* and *lighters*.

BARK, the outward covering of trees, which serves them instead of a skin.

There are several sorts of barks that are traded in, some of which are used in physic, as the *quinquina*, or *jesuit's bark*, and mace; others serve for dying, as those of the alder and walnut tree; others are used as a spice, as cinnamon and *assia lignea*; some for divers uses, as the bark of the cork-tree, the oak, the linden-tree. All those several sorts of bark are described in their proper places.

BARK of trees, a stuff manufactured in the East-Indies, with the bark of a tree, which is spun like hemp. After it has been beaten, and steeped in water, they extract long threads from it, which are something between silk and common thread, being neither so soft nor so glossy as silk, nor so rough and hard as hemp.

They mix silk with it in some stuffs, and these are called nillaes, and cherquenolles. The fotalongees are also partly of bark, and partly of silk, and do not differ from the former but in their being striped.

The pinassies and biambonnees are all of bark.

The stuffs are between seven and eight ells long, and three fourths or five sixths of an ell broad; except the cherquemolles, which measure but four ells in length by three fourths in breadth.

BAR-Iron. As the importation of *bar-iron* from his majesty's colonies in America, into the port of London, and the importation of *pig-iron* from the said colonies into any port of Great-Britain, &c. will be a great advantage, not only to the said colonies, but also to this kingdom, &c. it is enacted by 23 Geo. II. p. 519. that from and after the 24th of June, 1750, the duties, now payable on *pig-iron*, made in, and imported from his majesty's colonies in America, into any port of Great-Britain, shall cease; and that no duty shall be payable upon *bar-iron*, made in, and imported from the said colonies, into the port of London.

No such *bar-iron* so imported into the port of London shall afterwards be exported or be carried coastwise to be landed at any other place in Great-Britain, except for the use of his majesty's dock-yards, upon pain that the same, and the vessel, be liable to such forfeiture and seizure, as prohibited or unaccustomed goods clandestinely exported or imported, or the vessel on board of which the same shall be exported or imported, are now liable to by law; and also upon pain that the exporter, and master, and mariners of the vessel, shall be subject to the like penalties and punishments; as the masters or mariners of vessels laden with prohibited and unaccustomed goods, or goods clandestinely exported or imported, are now liable by law; and no officer of the customs shall grant any cockpit, &c. for exporting or carrying coastwise any such *bar-iron* so exported, except for the use of his majesty's dock-yards, upon pain of forfeiting two hundred pounds, &c. and if any such cockpit, &c. shall be granted, the same shall be void.

No *bar-iron* whatsoever shall be permitted to be carried coastwise, unless mention be made in the certificate, of the day on which the duties, payable on the importation thereof, were paid, and of the names of the persons by whom paid.

No *bar-iron* imported into the ports of London, by virtue of this act, shall be carried or conveyed by land-carriage to any place beyond ten miles from any part of the port of London, except to his majesty's dock-yards, for the use of the same, upon pain of the offender paying twenty shillings for every hundred weight thereof.

Every person loading *pig* or *bar-iron* on board any vessel in any of his majesty's colonies in America, shall, before clearing out for any port of Great-Britain, make oath before the governor, or lieutenant-governor, collector, and comptroller of the customs, and naval-officer, or any two of them (which oath they are to administer without fee) that the *pig* or *bar-iron* so shipped (the true weight whereof shall be expressed in the oath) was made at within the colony in which oath also the name of the person to whom the iron shall be sold or consigned shall be expressed; and thereupon the said governor, lieutenant-governor, collector, and comptroller of the customs, and naval-officer, or any two of them, shall give to the person making such oath, a certificate under their hands and seals of office of the same having been made before them.

No such *pig* or *bar-iron* shall be imported duty-free, as aforesaid, unless the same shall be stamped with some marks denoting the colony or place where the same was made; and unless the importer shall produce such certificate to the chief officer of the customs at the port where the same shall be imported, and unless oath be made by the master of the vessel, before such officer (which he is

to administer without fee) that the said iron is the same mentioned in the certificate.

All *pig* or *bar-iron*, which shall not be stamped and certified as aforesaid, shall be subject to the payment of the same duties to which it was liable before the making of this act.

If any governor, lieutenant-governor, collector, or comptroller of the customs, naval-officer, or chief officer of the customs as aforesaid, shall falsely make any such certificate, he shall forfeit two hundred pounds for every such offence, and his office, &c. and if any merchant, &c. shall falsely make any oath required by this act, he shall incur the penalties of wilful and corrupt perjury; and if any person shall knowingly counterfeit any such stamp or certificate, or publish the same, knowing it to be counterfeited, he shall incur the penalties of forgery.

After the 24th of June, 1750, no mill, or other engine for slitting or rolling of iron, or any plating-forge to work with a tilt-hammer, or any furnace for making steel, shall be erected or continued in any of his majesty's colonies in America, upon pain that every person offending herein shall, for every such mill, engine, forge, or furnace, forfeit two hundred pounds.

Every such mill, engine, forge, or furnace, erected or continued contrary to the directions of this act, shall be deemed a common nuisance; and every governor, &c. of any of his majesty's colonies in America, where any such mill, &c. shall be erected or continued, shall, upon information thereof made to him, by two witnesses upon oath (which oath he is to administer) cause such mill, &c. to be abated, within thirty days after such information, upon pain of forfeiting five hundred pounds for every such offence, &c.

All *bar-iron* which shall be imported from any of the British-colonies in America into the port of London, shall be entered at the custom-house at London; and every bar shall be marked or stamped in three different parts, with such mark as the commissioners of the customs shall direct, two of the said marks at the distance of one yard from each end of the bar, and the other, near the middle thereof.

If any person shall counterfeit, destroy, or deface any of the said stamps, with an intent to convey the same to any place ten miles from the port of London, contrary to this act, and be legally convicted thereof, he shall forfeit one hundred pounds, &c.

Every governor, &c. of his majesty's colonies in America, shall transmit, within six months after the said 24th of June, to the commissioners of trade and plantations, a certificate under his hand and seal of office, containing a particular account of every mill or engine for slitting or rolling iron, and every plating-forge to work with a tilt-hammer, and every furnace for making steel, erected in his colony, at the time of the commencement of this act, expressing therein also such of them as are used, and the names of the proprietors, and place where erected, and number in the said colony; upon pain of being subject to the like penalties and forfeitures, as for any other offence committed by them against this act, &c.

The importation of *bar-iron* is extended to all the ports of Great-Britain. 30 Geo. II.

Likewise the clauses relating to the carrying iron coastwise, and by land beyond ten miles from London, are repealed.

BARLEY, a sort of grain very well known. The chief kinds are, 1. The common long-eared *barley*; 2. Winter, or square *barley*, or beer *barley*, by some called big; 3. And the sprat *barley*, or battledore *barley*. The first and third sorts are commonly cultivated in England; but the second sort is seldom to be met with near London, though Mr. Miller thinks it much preferable to the other two, as producing a larger seed, and very full thick spikes.

The meal of *barley* is very white, and good to make bread, especially being mixed with that of some other corn.

Besides this use that is made of *barley*, the brewers of beer consume vast quantities of it; for, after they have made it sprout, ferment, and boil, they make that liquor of

of it called beer, which has some of the properties of wine, and is used instead of it in those places where the soil does not suffer the vine to be cultivated.

At Amsterdam *barley* is sold by the last; and there is no other deduction made but of one *per cent.* for prompt payment. Its common price is from fifty to seventy golden florins *per* last. The florin is of twenty-eight stivers, about twenty-nine pence half penny English money.

Peeled-BARLEY, is that *barley* which has been stripped of its first coat. The best in France comes from Vitry le François; they have some at Charenton, near Paris, which is pretty good. There is some very white, and other less so. It ought to be chosen fresh, dry, large, plump, not rank, nor musty. *Peeled-barley* is sold at Paris by the druggists and the corn-chandlers. It is used in the composition of several diet drinks, which are prescribed to sick persons, as also to persons in health, to cool them. However, those drinks made with peeled-barley are reckoned a little too nourishing. For the use and consumption of barley in England, *see* MALT.

BARONS of the Exchequer are judges, and, four in number, having the administration of justice committed to them in causes between the king and his subjects, relating to the king's revenue, and affairs of the exchequer. They are called barons, because formerly that office was executed by barons of the realm.

BARR. There are but few woollen manufactures in either of the dutchies of *Lorraine* and *Barr*, and none of silk; what little is carried on of the former, is at St. Nicholas, St. Marie aux Mines, but the cloths are very coarse, and in little esteem. At Nancy is a fabric of ordinary hangings, though so trifling, as not to deserve mentioning. That of thread-laces is not only more considerable, but is almost the only one that merits any regard; Mericourt, Vezelize, Neufchateau, and some villages in their jurisdiction, are the places where most are made, and employ five or six hundred women or girls; it is true they are far from being fine, but of a quality very fit for the Spanish markets, where several thousand pieces are annually sent. Household, and other sorts of linen, worsted-stockings and caps, hats, cordage, nails, and paper, are also manufactures of these provinces, but all consumed at home; and what they afford for trade, is salt, iron, alum, saltpetre, wood, cattle, wool, rapc oil, honey, wax, brandy, skins, and glass. Places proper for making salt, are found in many parts of *Lorraine*, so that at least a dozen might be appropriated to this purpose, which would furnish a large quantity of an excellent sort; though only three are now wrought, viz. at Rozieres, Chateau-Salins, and Dieuse.

The iron mines are chiefly in the mountains of *Vosge*, though there are some in the plain country; they afford plenty of metal, and employ a great number of forges. The allum mines are only found in the *Voyere*, near *Longevi*, and are of little advantage to the *Lorrainers*, as they neither know how to extract or prepare it. Of saltpetre they have no mine, but collect it, as elsewhere, on the walls of old houses, and other decayed buildings. Timber and masts are felled in the mountains of *Vosge*, both for ship and land use; and the glass-houses are established in the woods of the provostry of *Arnay*, in those of *St. Michael*, and at the village of *Tavoy*, three leagues from *Nancy*. Brandies are distilled at *Pont-a-Mousson*, though not from wine, as in other parts of France, but from the pressings of the grapes, which are every where else regarded as useless, or at most serve only for feeding of pigeons, or to dry and burn. The skins, particularly those of bears, which are taken in large quantities in the mountains, and the forest of *Vosge*, are sold at *Strasbourg*, &c. Wheat grows here in plenty; and the *Lorrainers* are esteemed the best founders in Europe, especially for cannon, mortars, and bells; the inhabitants of *Levescour*, *Outremicour*, and *Breranne*, are the most reputed for these fabrics, and this art may be regarded as a sort of trade in *Lorraine*.

BARRA, a Portuguese measure, equal to the English ell. Also a Spanish measure, differing in quantity at almost every capital town in the Spanish dominions. On a medium, it is one eighth less than the English yard.

BARRACAN, a French woollen stuff resembling the English *barragon*, but inferior in quality.

BARRAGE, a linen interwoven with worsted flowers, fabricated in Normandy.

BARREL, a cask, or vessel of a cylindrical form, for holding liquids. A barrel of wine, or vinegar, is thirty-one gallons and a half; of ale, thirty-two gallons; and of beer, thirty-six gallons.

BARREL is also used for a certain quantity or weight of several merchandizes, which is various as the commodities are different.

BARTERING, in commerce, the exchanging of one commodity for another.

The only difficulty in this way of dealing lies in the due proportioning the commodities to be exchanged, so that neither party sustain loss. The following example will sufficiently explain the method of proportioning the commodities.

Two merchants, A and B, barter; A would exchange 5 C. 3 qrs. 14 lb. of Pepper, worth 3l. 10s. *per* C. with B, for cotton worth 10 d. *per* pound; how much cotton must B give A for his pepper?

In order to solve this question, and all others of the same nature, we must first find, by proportion, the true value of that commodity whose quantity is given; which, in the present case, is pepper: and then find how much of the other commodity will amount to that sum, at the rate proposed.

First, to find the value of the pepper, say

As 1 C. is to 3l. 10s. so is 5 C. 3 qrs. 14 lb. to 20l. 11s. 3d. the true value of the pepper.

Then it is easy to conceive that A ought to have as much cotton at 10 d. *per* pound, as will amount to 20l. 11s. 3d. which will be found by the following proportion.

As 10d. is to 1 lb. so is 20l. 11s. 3d. to 4 C. 1 qr. 17½ lb. And so much cotton must B give A for his 5 C. 3 qrs. 14 lb. of pepper.

BARUTH, an Indian measure, containing seventeen gantans, which amount to between fifty-four and fifty-eight pounds of pepper, averdupoise English weight. At that rate a gantan ought to weigh about three pounds and a half of pepper.

BARUTINE-SILKS, are those which come from Persia, by the way of Seyde, or Said. They are weighed by the damasquin, which contains about six hundred drachms, or very near four pounds averdupoise.

BASALTES, a kind of black marble, or very hard touch-stone, which resists the file. It is heavy, smooth, soft to the touch, and takes a very fine polish, of an iron colour. It is to be found in Ethiopia, and in several places of Germany. It is used, like other touch-stones, for trying gold and silver.

BASARUCO, a small Indian coin, made of a compound metal resembling tin. It is of two sorts, the one termed good, and the other bad, which latter are one sixth less than the others; three good *basarucos* make two Portuguese reas, fifteen a vintain, and three hundred and seventy-five a pardao-xerafin.

BASKET-MAKERS. There are several sorts of *basket-makers*; some who form *baskets* of green ozers, chiefly for the use of the gardeners. These are the most considerable branches; for some of the masters employ many hands, and also rent large ozier plantations, which not only produce sufficient for themselves, but many to spare. This part of the work requires no other abilities but strength and application, and a journeyman may earn from ten to fifteen shillings a week. About a hundred pounds will set up a master very handsomely; but some of them employ much more.

Another sort of *basket-makers* make finer works with rods stripped, split, shaved, and dyed; or with cane split, or straw dyed of various colours. The workers in these finer sort of baskets, which are chiefly to be found in the turners shops, require less strength and more ingenuity. Many women are employed in making these smaller wares; and, all things considered, earn as much money as at trades that make a greater figure in the world. The sums given with an apprentice are, from five to ten pounds.

BASIL, is a city built on the Rhine, which divides it into two unequal parts; it is one of the most considerable of Switzerland, although properly out of it, and drives a trade unequalled by any in that country. Its situation procures it the passage of the goods that come from England, Holland, the North, and Germany for the cantons and Geneva, and for those which the Swiss and Genevans send to those countries: the trade of the wools of Germany and Poland; that of cloth and other stuffs, drugs and spices, metals and furs, is very considerable here, as are the engagements in exchanges: the activity and penetration of its inhabitants have long since rendered it noted for trade, particularly for linens, whose fabrics are in a flourishing condition. It has also several manufactures of flowered ribbons, which employ a great number of workmen, and are spread through Germany, Silesia, Hungary, and Bohemia. The fabrics of wove stockings, silk ditto and worsted, set a great number of looms to work, whose products are sent to very distant parts to be disposed of. The manufacture in imitation of chints is brought to great perfection, and does not only supply the neighbouring merchants, but many others much farther off. The paper of this city has been long noted for its goodness; and here are letter-founders, not only of the living characters, but also of Greek, and all the Oriental tongues, which are used all over Switzerland, in France, Germany, and elsewhere; printing is likewise a considerable part of the business of the inhabitants; among whom are also found gold-beaters, very expert in their art, fabricks of tobacco, excellent dyers, both of silk and wool, whittlers, &c.

BASON, a *sale* by the *bafon*. Thus they call at Amsterdam the public sales made by authority, and over which presides an officer appointed by the magistrates, who is stiled *vendumeester*, that is to say, master of the sale. Such a sale is called a *sale* by the *bafon*, because, before the lots are delivered to the highest bidder, they commonly strike on a copper bafon, to give notice that the lot is going to be adjudged.

BASON is also generally understood to be that part of a port in which there is a canal, where ships can be in safety to unload without being subject to any damages from the high tides flowing into harbours; and when thus sheltered from storms, ships are generally brought up to the sides of these *bafons* to unload in harbours where there are regular quays; and where there are no quays, generally speaking, there are no *bafons*.

There are also *bafons* to most docks, to receive ships of war, and other vessels, either for their security, or to refit. See *QUAY*.

BASSORA, or **BALSORA**, is situated on a river named by the Arabians Schat-el-Arab, which is formed by the union of the Euphrates and Tigris, that join a good day's journey above this city, and so united, empty themselves into the Persian Gulph, twelve leagues below it. This place is rich, and of greater trade than any one in Arabia Deserta; and its possession having been for a long time disputed by the Arabians, Persians, and Turks, these latter remained masters of it.

Bassora, like *Bender-Abassi*, gained considerably by the destruction of Ormus, and here are now seen ships from all parts of Asia, and Europe; and especially among these last, the English and Dutch make a considerable figure, having their factors here, to transact business, and dispatch their letters by land, which is done by way of Danias and Aleppo. The Portuguese also have a settlement here, though to very little purpose.

Almost all the trade passes through the hands of the Indians, Persians, and Armenians. The caravan of *Bassora* is one of those that carries to *Bender-Abassi* a part of those rich goods, with which that trade is supported: and the same caravan brings back on its return, the products of India, China, Japan, and Europe, of which *Bender* is a depository, staple, or storehouse for Persia, and the three Arabias.

Besides this commerce with *Bender-Abassi*, and that which *Bassora* maintains on the sea-coast with the Indians, Moors, and Europeans, whose ships arrive here every Mousson, this city has also a very considerable one with Bagdat, which is not at a great distance, and is commodiously seated for a transportation of its commo-

dities by the Tigris; and the same with Aleppo, and the rest of the Ottoman empire in Asia, from whence caravans set out, and a part of them always destined for *Bassora*.

We might also place in the number of those things that render this trade flourishing, the passing here of the Persians, in their pilgrimage to Mecca, who commonly take this route, and not only pay large duties to the Turkish bashaw, but also exchange or sell a quantity of goods here, which they bring in their little caravans, going and coming.

BASTION of France. See *AFRICAN COASTS*.

BATAVIA is seated in the Isle of Java, to the eastward of the kingdom of Bantam, and twenty leagues from the city of that name, which is the capital: it is built on the river Jacatra, and nearly on the ruins of the ancient town of the same denomination, that the Dutch took from the English by surprize in 1617, and which they had often defended against all the forces of the emperor of Maratan, the most powerful monarch of the isle. In 1619 it took the name of *Batavia*, though it was not finished and put in its present condition till 1660.

This new city, which yields in nothing to the finest ones in Holland, either for the length of its streets, magnificence of its buildings, conveniency of its canals, and beauty of the ever-green trees planted on each side, is defended by a citadel with four bastions, founded on piles, in which the company always maintain a garrison of a thousand regular troops; besides which fortification, there are divers advanced posts within land, sustained by redoubts, or small forts, to cover the soldiers from the excursions and surprizes of the Javans.

The city is peopled with divers nations, of which the Dutch make near half, and among them are some of the Portuguese, though almost all of them Protestants, who have two churches here, where the ministers officiate in their own language; the Malaysians have also one, and the other inhabitants are permitted the free exercise of their religion: the suburbs reach near half a league into the country, and form a larger town than *Batavia* itself, peopled with Chinese, Moors, Javans, and Malaysians, and also many Dutch artisans; the first are the principal husbandmen, who sow rice in the grounds they cultivate round the city, and have brought it to such perfection as not to need any foreign supplies; sugar is also gathered here in plenty, and there are many mills on the river Jacatra, for bruising the canes, and several others for making paper, gunpowder, and grinding corn; but all these advantages, though capable of making any city flourish, are nothing in comparison with those that the company's immense trade brings here, where all sorts of European and Asian commodities are amassed, and their warehouses well filled, either for loading their ships bound home, or those destined for the trade of China, Japan, all India, Persia, Arabia, and the Red-Sea; *Batavia* being the center where all the company's effects enter and go out, by a perpetual circulation, and always with an inconceivable advantage, though considerably diminished by the indirect gains of so many principal directors, and their subalterns, through whose hands all the affairs pass, and who in places so distant, are apt to forget their conditions, and think themselves masters of those effects, of which they are only depositories.

The council of *Batavia* has eight governments subject to it, viz. that of Ceylan and Coromandel, in the occidental peninsula of the Ganges; that of Malacca, at the extremity of the oriental peninsula; four on the Molucca Isles, which are Macassar, Amboina, Ternate, and Banda; the eighth is that of the Cape of Good-Hope. After these governments, there are three directions, each filled by a chief, with the title of director, the one in Persia, the other at Surat, and the last at Bengal; the director of the first resides at Gammeron, and has the lodges at Isfahan and Kerman, in his dependance; that of Surat, where the director resides, has under it the lodges of Amadabat, Barochia (or Brochia;) and that of Bengal, which is very extensive, has its principal settlement at Ougli, where the director resides, and has under his direction that of Cazembazar, Bellafor, Decca, Patna, and Chiopera; Pepeli belonged to it formerly, but the company

company have abandoned it for a long time. Four well fortified places serve to guard the country, where are many establishments, the chief of which bear the title of commandaries; of these there are two in Ceylan, viz. Point-Gale, and Jaffanapatnam; the other two are Cochin, on the Malabar coast; and Samarang, on the coast of Java.

The other factories or lodges are those on the coast of Coromandel, under the governor of Nagapatnam; those of Java, under the commander of Samarang; those of Sumatra, which are Palimbang, Jambi, and Padang, are independent of all others but the government of *Batavia*; in fine, those of Siam and Japan, which are Judia and Ligor for the first, and Nangasaki for the second; and three lodges subject solely to the upper regency, although their chiefs have only the rank of merchants. They had formerly a settlement at Tunquin, but they abandoned it in 1700; so that from the preceding account may be gathered, that of factories subject to governors, directors, and commanders (which are the most considerable ones) there are fifteen, and of the other subaltern settlements, small and great, from fifty-three to fifty-five.

BATE, or BATZ, a small copper coin, mixed with a little silver, which is current in several cities in Germany, particularly at Nuremberg. It is worth four creutzers, at the rate of four French Deniers, or eight phenings, *per creutzer*.

BATH has been termed the city of *Sick-men*, as being a place of resort in Somersetshire, famous for its medicinal waters. The chairmen are there to be licensed by the mayor and aldermen, for carrying persons to and from the hot-baths, &c. under the penalty of ten shillings, *by stat. 7 Geo. I. c. 19*.

And a public hospital or infirmary for the poor, is established in the city of *Bath*, the governors whereof have power to hold all charities, &c. and appoint physicians, surgeons, and other officers: any persons, not able to have the benefit of the bath-waters, may be admitted into this hospital, their case being attested by some physician, and the poverty of the patients certified by the minister and church-wardens of the place where they live, &c. Every person so admitted shall have the use of the old hot-bath, and be entertained and relieved in the hospital; and when cured or discharged, such persons shall be supplied with three pounds each, to defray the expence of removing them back to their parishes, &c. *statute 12 Geo. II. c. 31*. Penalties in the horse-race act incurred in Somersetshire, are given to the hospital at *Bath*, *by stat. 13 Geo. II. c. 19. s. 6*. And see *stat. 30 Geo. II. c. 65*. for paving and lighting the streets of *Bath*.

BATICALA, the metropolis of a little Asian kingdom in the peninsula on this side the Ganges, to which it has given its name, carries on a very considerable trade, almost all transacted by Jews; it consists principally in rice, of which are produced here two crops yearly, distinguished by no less than four different sorts, whereof the first and best is called *gracati*; the second, *jambucal*; the third, *canacar*; and the fourth, *pacharel*; each of a different value, according to its quality. The other commodities of this place, are powder-fugar, mirabolans, and sweetmeats of all sorts. The rice and sugar are exported by the ships from Ormus; and the mirabolans are sent to Persia and Arabia; a large quantity of copper finds vent here for the making money, and kitchen-furniture.

BATMAN, a Persian weight, of which there are two sorts, the one called *batman de cabi*, being the king's weight, and the other the *batman de tauris*, from the name of a principal city in Persia. That of *cabi*, serves to weigh as well the necessaries of life, as the loads of the beasts of burden. It weighs $12\frac{1}{2}$ lib. of Paris, of 16 ounces. That of *Tauris*, only used in affairs of trade, weighs $6\frac{1}{2}$ lb. or half the other, though by some it is supposed only to weigh 5 lb. and 14 ounces, at which computation it consists of six rattles, each a trifle less than a Parisian pound; the derhem, or dragma, is the fifth part of a pound; the mescal, half a derhem; the dung, the sixth part of a mescal, and is equal to six grains, carat weight; and the barley-corn, which is one fourth of the dung; besides which divisions, the Per-

sians have that of the vakie, about a French ounce, and the sahcheray, consisting of 1170 derhem.

BATZ, a copper coin of Switzerland, mixed with some silver. It is current at different rates, according to the greater or smaller quantity of alloy it has. At Zurich the rixdollar is about five livres, or a hundred sols, French money, and is worth twenty-eight *batz* and a half, which are higher than the *batz* of Switzerland (thus those of Berne, Lucerne, and Friburgh are called) so that a *batz* of Zurich, is worth about three sols and a half French money.

The *batz* of Basil, Schafhouse, of Constance, and St. Gall, are the best of all; and those of Berne, Lucerne, and Friburgh, the worst. They give but nine of the former for ten of the latter. They give but twenty-seven *batz* of the first for the rixdollar or crown, and thirty of the other, which makes them to be called short *batz*.

The good *batz* are worth ten rapés at Basil; the bad, or short *batz*, are worth one rape less than the other.

BAVARIA, one of the circles of the German empire, is bounded on the east by Austria and Bohemia; on the south by Carinthia and Tirol; on the west by Swabia and Franconia; and it lessens almost to a point towards Upper Saxony, on the north. In this country are many mountains, in which are mines of copper, and some silver, as also quarries of marble. Here are likewise salt-works, and baths.

This circle is divided into three capital provinces, viz.

1. The electorate, divided into Upper and Lower Bavaria.
2. The Upper Palatinate, so called to distinguish it from the Lower, or the Palatinate of the Rhine.
3. The archbishopric of Salzburg.

Describing this circle from north to south, we begin with the Palatinate.

The chief riches of the Upper Palatinate proceed from the mines of silver, copper, and iron; and they export great quantities of the latter to the neighbouring countries.

Amberg has great privileges which were granted to it by the emperor Robert, and lies conveniently for traffic, being almost in the center, betwixt Ratibon, Ingolstadt, and Nuremberg. Its greatest trade is from the iron-mines, and the manufactures thereof, which are sent down the Nabe to Ratibon, and other cities.

The chief commodity of the territory of *Newmark*, is iron, and the rivers are covered with iron mills. Allerberg, on the west side of this district, is said to be a trading town; and Hollenstem, on the confines of the bishopric of Aichstat, is famous for iron-mines in its neighbourhood.

The duchy of *Bavaria*, properly so called, consists of the Upper and Lower. The former lies under the Alps, and is cold and barren, having but little corn, and no wine; the latter is on the Danube, and is fruitful and pleasant.

The revenues of the elector, said to amount to 7,000,000 of florins, arise chiefly from his monopolizing the three principal commodities of his country, viz. salt, corn, and strong, or white beer; which is so famed, that it is exported to other countries. The people of Tirol and Saltzburgh have almost all the corn they spend from Bavaria; and the elector has a penny for every sack that is exported. Their beer alone, said to be as good as any in the world, has been computed to bring him in between 80 and 100,000 florins *per annum*. Those three commodities, besides the tobacco-trade, which he engrosses to himself, with several other things, are only allowed to be sold by his agents and servants. These, with his own domain, and the tolls on all the vessels that go up and down the Danube, and other navigable rivers, of which there are several in this country, bring in a yearly revenue of above half a million sterling. A modern German writer makes it amount to between 8 and 900,000 l. and says the last elector but one, viz. Maximilian, had some years above a million. Mean while, the subject is so miserably impoverished by these monopolies of trade, that the peasants chief subsistence is from the great herds of swine fed in their woods by acorns and crabs. The fir-trees of this country are a treasure to it, since the timber serves for every purpose that can

can be imagined, whether for building or household stuff, and there is not a province in the empire where provisions are cheaper, though there is a vast home-consumption, the Bavarians being very fond of good eating and drinking.

Ratisbon has a great trade by the Danube, the Nabe, and the Regen, which join near the city.

Straßburg is a town of good trade.

Passau is a rich, populous, and trading city.

The duchy of *Newburgh* is famous for its wine; and at the town there is a good trade therein, which is sold weekly in the markets; and the duke has a good revenue arising therefrom.

At *Munich*, most of the mechanics are glaziers and silk-weavers. Great quantities of salt, wine, &c. are sold at their two annual fairs, viz. St. James's-tide, and the week after Twelfth-tide.

At *Obernberg* is a custom-house, where toll is demanded for all vessels that pass the river Inn on which it stands.

The archbishopric of *Saltzburgh* is dry, rocky, and barren, except in some vallies, yet abounds with salt, mines of copper, iron, and some silver, with excellent quarries, from some of which is dug a stone, little inferior to jasper. The revenues of the archbishop amount to near 80,000 crowns. The very salt which is carried into Bavaria and Swabia, brings him in 30,000 crowns *per annum*.

Berchthgaden furnishes its neighbourhood with store of salt.

The salt of *Hallein* is carried in great quantities through Bavaria, and a corner of Tirol, into Switzerland, where it is paid for in French money, which is one reason that there is scarce any coin current in Bavaria, but that of France. There is a great high mountain on the west side of the town, the earth of which being mixed with a sort of allum, or salt-petre, they throw it into large trenches, which they fill with fresh-water, and let it stand three or four weeks, till the earthy part is sunk to the bottom; then they let out and boil the saline part in iron pans, three feet deep, and ten or twelve in diameter; and, when the water is evaporated from the salt, which it leaves at the bottom, they take it up, and put it to dry and harden, in some deal casks, without any head or bottom.

BAY, in geography, is an arm of the sea, coming up into the land, and terminated in a nook. It is a kind of lesser gulph, bigger than a creek; and is larger in the middle within, than it is at the entrance into it; which entrance is called the mouth of the bay.

BAY of Campeache abounds with the dying wood, so much esteemed in Europe for blacks and violets. The city of Campeache, which is the capital of the country, is seated in twenty-nine degrees of latitude, and the only one that there is, from Cape Catoche to Vera Cruz. The goods extracted from hence, besides the aforesaid woods, are timber for building, wax, fugar, cassia, sarsaparilla and hides.

BAYS. See BAIZE.

BAZAR, **BAZARI**, or **BAZAARD**, a place designed for trade among the eastern nations, and particularly the Persians. Some are open or uncovered, like the market-places in Europe, and serve for the same purposes, but only to sell the least precious and most bulky merchandizes; others are covered with high vaulted cielings, and adorned with domes to give them light. In these are the shops of those merchants who sell jewels, rich stuffs, wrought-plate, and such other merchandizes.

Sometimes they sell even slaves in those covered bazars, though that inhuman trade is also carried on in the open bazars. Furetiere observes, that it is an Arabic word, which signifies a sale or exchange of merchandizes; whence it is said, by extension of the places where the trade is carried on.

That word is in use among all the nations of the East-Indies, as well as among those of the Levant. It signifies in all those countries a common or public place, where the market is kept, both for the sale of provisions, and of other merchandizes. The place is so called, whether it be a market, or a pretty broad street, whether covered or not. Malaca was anciently the general bazar, or

staple-town for all the trade of the Indies; that is to say, before the Portuguese undertook to fail to those countries.

The *bazar*, or meidan of Ispahan is one of the finest places in all Persia, and even excels all those that are to be seen in Europe; but notwithstanding its great magnificence, it must be confessed, that the *bazar* of Tauris is the most spacious square that we know of. They have several times drawn up three thousand men in order of battle, in that square: it contains above fifteen thousand shops, and is reckoned, without dispute, the most magnificent in Persia. At Tauris they call the jewel-market *raiserie*, that is to say, the royal market.

BAZAT, or **BAZA**. The *baza cotton* comes from Seyde, Said, or Siden, by the way of Marseilles. They distinguish three sorts of it; namely, the *baza* of the first sort, the common *baza*, and the middling *baza*. The first sort and the middling are often sold in France for ninety-nine livres and four sols, and the middling only seventy-three livres and twelve sols.

BAZGENDGE, a kind of gall-nut, which the Turks use to make the scarlet colour.

BDELLIUM is a gummy resinous tear of a tree, which concretes into globes of different figures and magnitudes. It is of a brown russet colour, and in appearance somewhat resembles common myrrh. Upon cutting a piece, it looks somewhat transparent, and, as Geoffroy justly observes, like glue. It is not easily pulverable, grows soft and tenacious in the mouth, and sticks to the teeth, has a bitterish taste, and not a disagreeable smell, particularly when set on fire. It readily catches flame, burns a considerable time, with a crackling noise, during which, little streams of liquid matter seem to ooze out at its surface.

Pure *bdellium* is partly soluble in an aqueous, and partly in a spirituous menstruum. It is brought from Arabia, Media, and India. The larger and darker-coloured masses of this gum are broke to pieces, and sold for saganum. *Lewis*.

We are very uncertain as to the tree that produces it. Pliny tells us its bark is black, and that it grows to the bigness of the olive-tree, and has leaves like those of the oak, and fruit like the wild fig. Others tell us it is very like the myrrh-tree, but, till we know what tree it is that produces the myrrh, we shall profit very little by this account. Thevet tells us of two thousand trees of myrrh and *bdellium* which he saw growing in one and the same forest, but he has given us no description of them. Lobel and Pena found several fragments of the wood of the *bdellium-tree* among other things, and they describe it to be very firm and solid; its bark black, which agrees with Pliny's description; and add that it is full of thorns or prickles. It is principally used as an emollient. *Hill*.

BEACON, (from the Sax. *beacon*, i. e. *signum*) a signal well known; being a fire maintained on some eminence near the coast of the sea, to prevent invasions, &c. Hence *beaconage*, money paid towards the maintenance of beacons: and we still use the word *beckon* to give notice unto.

By 8 Eliz. cap. 13. sect. 2. The masters, wardens, and assistants of the Trinity-house at Deptford-strand, may at their costs set up beacons, and marks for the sea, in such places, near the coasts, or forelands, as to them shall seem meet.

sect. 3. No steeple, trees, or other things standing as sea-marks, whereof to the owner or occupier of the place where the same doth stand, before the first of March next, notice shall be given by the queen's letters under her signet, shall, at any time hereafter, be taken or cut down, upon pain that every person, by whose consent such offence shall be committed, shall forfeit a hundred pounds, &c. and if the persons offending be not of the value, they shall be deemed convict of outlawry.

And no man may erect a light-house, beacon, &c. without lawful warrant and authority. 3 Instit. 204.

N. B. The above-mentioned Trinity-house is a kind of college at Deptford, belonging at first to a company or corporation of seamen only, with authority, by the king's charter, to take knowledge of those that destroy sea-marks, &c. but now many gentry, and some nobility,

lity, are made members or elder brothers of that community. See LIGHT-HOUSE.

BEAM, a large piece of timber used in building, which, being laid cross the walls, serves to support the principal rafters of the roof. The proportions of *beams*, in the neighbourhood of London, have been settled by statute, as follows: A *beam* fifteen feet long ought to be seven inches in breadth on one side of its square, and five on the other: one of sixteen feet in length must be on one side eight inches broad, and six on the other: one of seventeen feet in length must be ten inches on one side, and six on the other; but they are made stronger in the country.

BEAMS of a *ship*, are the large main cross timbers, which prevent the sides of a ship from falling together, and which also support the decks and orlops: the main *beam* is next the main mast, and from it they are reckoned by the first, second, and third *beam*. The greatest *beam* of all is called the midship *beam*.

BEAN, a pulse of the large sort, commonly cultivated in the fields. People of fashion seldom eat them, but green; but in several places, the country people dry to eat them in the winter; they also often feed cattle with them: the meal of *beans* is used in physic, being prescribed both to be taken inwardly, and in the composition of some cataplasms; and perfumers also use it to make powder for the hair.

Beans for horses are sold at Amsterdam at about fifteen livres de gros per last. The deduction or discount, for prompt payment, is one per cent.

Beans grow admirably well in Egypt, where there are large fields entirely covered with them. Their blossoms are a thousand times more odoriferous than those of the *beans* in Europe. As vast quantities of them are planted in the lands about Cairo, towards the west, nothing can be more charming, than the perfumed air one breathes in an evening on the terrasses, when the westerly wind blows: nor is it without good reason, that they endeavour to have plenty of good *beans* in that country, since it is the common food of the mules, asses, and camels, which consume vast quantities of them.

BEAN of St. Ignatius, is a small solid fruit, which grows upon a tree in some of the Philippine islands, and in which the Chinese trade in those places of the East-Indies, where they dwell or frequent, as Malacca, the Sunda isles, and the Moluccas: those *beans* are also very much used in physic. The figure of this fruit is irregular, and it is of the bigness of a green almond, when still wrapped up in all its coats, or of the fruit called hermodactyl. Its outward colour is grey, or rather blackish, when it is well stripped of a little thin skin, the colour of which is sometimes of a whitish grey, and sometimes reddish.

That skin, sticking very close to the fruit, cannot be taken off but by little bits, like scales, and in process of time, by rubbing: so that most of those *beans* are commonly variegated with those two colours, when part of their skin has been rubbed off.

The inside of the fruit resembles a brown or blackish jelly, but its consistency is almost as hard as that of horn, so that it is a difficult matter to break or cut it. If you grate it, which is much easier, in order for use, it appears whitish in those places which the points of the grater have touched; but to see it in its natural colour, you must cut it in the middle with a knife, which you drive into it with a hammer or mallet. Its taste is bitterish, and it weighs commonly a little above a drachm, more or less, according to its bigness.

This drug, though of excellent use in physic, is still very scarce in Europe, for want of being sufficiently known. This seems, therefore, a very proper occasion to expatiate a little upon its virtues, in order to give the public a more particular and distinct notion of them, either for use or for trade, than Monsr. Lemery has done in his dictionary of drugs.

First, it ought not properly to be reckoned a purging medicine, as that learned gentleman asserted, doubtless, from some erroneous memoirs. It is by no means used for purging; and, though you should use it for that purpose, it would be a difficult matter to succeed, however

large the dose might be. One would rather run the danger of doing a great deal of harm, by causing convulsions, pains, sweat, &c. In short, if a large dose were given, its effects would be very singular, or dangerous, according to the constitution of the patient. But, being given in small quantities, gradually, and at several times, it will always be found a wonderful remedy, without causing any evacuation upwards or downwards.

Secondly, it must be used as a bitter, and a rectifier of the nervous system: because its property is to alter and rectify the tone of the nerves, either of the stomach, or of the ducts through which the fluids pass, or of the glands where the filtrations are performed: whereby it much better restores the functions of the viscera, which happen to be put out of order by too sedentary a life, or by too much indulging the body.

If we were better acquainted, by good observations, with the mechanism of the body, and with the effects of those things which enter into it daily, and are designed for its preservation, a more accurate choice would be made of those which are proper for each constitution, and for every stage of life, in order the better to prevent diseases, or to preserve health, so as to have no occasion for a physician. When the body laboured under any indisposition, we should be better able to chuse what is most naturally proper to cure it, and not commit so many blunders as are daily committed by persons, who pretend to meddle with physic, often to their own detriment, or who would cure themselves by some pretended family secrets, which seems, indeed, a good saving method, but by which they often make their distempers worse than they were before, and render them sometimes incurable. They always commit a great many errors in all their proceedings relative to physic. This new remedy therefore is proposed only to physicians, who are capable of knowing the nature of it by observations, and making a proper use of it.

The Indians, who are so well acquainted with it, are apt nevertheless to commit many blunders in its application, by making too universal a use of it, as they also do of the *boaati*, mentioned hereafter. The following properties are ascribed by the Indians to the *bean* of St. Ignatius, a name which the Jesuits of the Manillas have given it, because of the goodness of its qualities: the Malayese call it *isavalanga*.

1. They reckon it a specific remedy against all sorts of poison, and even use it as an amulet. But to this no credit can be given.

2. They use it particularly to cure the diseases of the nerves, as the cramp, vapours, tremors, and convulsions, either taken inwardly, or in the form of an amulet. Good effects of it have been seen when taken inwardly.

3. For pains in the stomach and cholics, they give a little of it in cold water, which gives immediate ease. Its effects are excellent for those ailments, as evinced by experience.

4. In an iliac passion, they give a little of it in cold water, which often procures an evacuation upwards and downwards, and thereby delivers the patient from that dangerous disease.

5. They esteem it excellent against bad air, and contagious and pestilential distempers. In times of the plague, they take a small dose of it every day, to preserve themselves from the infection.

6. They reckon it a true specific against fainting fits, risings of the stomach, palpitations of the heart, swimings of the head, and suffocations, in which cases they give some of it with wine or arac, which soon cures the patient; and they prevent the return of those distempers, by making him take the same remedy for several days.

7. They use it after the same manner against the bite or sting of venomous animals; and at the same time they lay upon the wound some of the same drug, in the form of pap, made after their manner, by rubbing one of the beans with some water upon a rough stone.

8. Being applied in powder, it is a very powerful remedy to stop very soon all sorts of hæmorrhages or bleedings; in a bleeding of the nose they take it like snuff, and it stops it immediately.

9. They use it very particularly against worms.

10. They employ it most successfully in all sorts of fevers,

vers, particularly intermitting, making the patient take some of it twice a day in a little wine. It cures by sweating.

11. It produces, according to them, very good effects in a cold upon the lungs, in a cough, the asthma, and a stitch or pain in the side, if the patient should continually chew a small quantity of it, and swallow his spittle, for it cuts those viscid humours which stuff up the bronchica and the wind-pipe.

12. They likewise judge it very good for giving ease in nephritic pains, the gravel, strangury, and the dropsy, if it be taken every day.

13. They give it to women who have difficult labours, thinking that it procures them an easy delivery.

14. It also cures the looseness and tenesmus, being taken twice a day in water.

15. They make oil of it by infusion, or even by a little ebullition over the fire: that oil impregnates itself with all the strength and virtue of the fruit. They give a few drops of this oil inwardly, in a proper vehicle for the same disease, and particularly for the apoplexy. The same oil serves also outwardly for all sorts of scabs, tetters, tumours, cramps, pains, gouty humours, withered limbs, &c. by anointing the disordered part. They use it also for curing wounds and ulcers; and it is certain, that this remedy produces very good effects, being given in small doses, and with proper precautions.

The quantity they give is measured by the fist only and by custom, without weighing it, and is generally from five or six grains, to eight, ten, or twelve.

Their method of dividing the *bean* or fruit into very small parts, or very minute particles, is by rubbing it upon a flat stone, of a rough superficies, somewhat hollowed in the middle, and moistening it by little and little with water; which, together with what is separated from the *bean*, forms a substance or consistency of pap or paste, of which they take up the requisite quantity with the point of a knife, and dissolve it in a proper liquor to make a potion of it.

This method of thus preparing all their remedies taken from wood, or other hard substances, is very well; but remedies of this kind more minutely divided by alcohol, produce their effect much sooner, than when given in a coarser manner; yet, perhaps, many remedies, which are taken in substance, a plain manner, and such as nature affords them, without the use of fire, produce their effects much more efficaciously. This ought to be inquired into very carefully, and by repeated trials.

The name of *bean* which has been given to this fruit is very improper, being not leguminous: it grows just as it is brought from the Indies, without any coat or shell, each piece by itself upon a pedicle, at the top of the shoots or branches of the tree that bears it: but it is of no consequence to alter the name, which use has pretty well established at present. *Memoirs of Monsieur Garcin, of Neufchatel, M. D.*

BEAR, a wild beast too well known to require a particular description.

We may distinguish two sorts of *bears*, the *land-bears* and the *sea-bears*, which might more properly be called *ice-bears*. The former commonly retire into the mountains, and the latter come over the ice of the north sea: of these there are some of a monstrous, and almost incredible, size, in Nova-Zembla.

Bear-skins are a sort of fur very much esteemed, and there is a very large trade of them, whether as skins of young or old *bears*; the latter are commonly used to make housings, or horse-cloths; or in the more northern climes, for bags to keep the feet warm in the sharpest cold of the winter. The skins of young *bears* serve to make muffs, or other such things for warmth or ornament.

Besides the great quantity of *bear-skins* which the fell-mongers sell, the druggists sell also *bears fat*, or greafe, which they commonly get from Switzerland, Savoy, and Canada.

This greafe is a powerful remedy for the cure of the king's evil and the rheumatism. It is used with success for curing the gout, and it is also employed in several Galenic compositions. *Bear's greafe*, in order to be of a good quality, must be chosen newly melted, greyish, clammy, of a strong and somewhat bad smell, and of a middling con-

sistence or thickness. That which is too white is adulterated, and mixed with common tallow.

BEARER of a bill, is the person into whose hands the bill is, and in favour of whom the last order or indorsement was made.

When a bill is made payable to *bearer*, it is understood to be payable to him in whose hands it is after it becomes due; and though, in the payment of a bill of this kind, there needs no order or transfer, yet it is good to know to whom it is paid.

BEARING [*in geography and navigation*] the situation of one place from another, with regard to the points of the compass, or the angle which a line drawn through the two places makes with the meridians of each.

BEARING [*in the sea language.*] When a ship sails towards the shore, she is said to *bear in* with the land.—When a ship that was to windward comes under another ship's stern, and so gives her the wind, she is said to *bear under* her lee.—If a ship sails into an harbour with the wind large, or before the wind, she is said to *bear in* with the harbour, &c.

In crowding they say, *bear up the helm*, that is, let the ship go more large before the wind—*Bear up round*, that is, let the ship go between her two sheets, directly before the wind.

BEARN. If *Bearn* cannot be called fruitful, the lower *Navarre* is much less so, being a mountainous barren country, whose soil will not produce any thing but by force of application and care; and it is owing to the assiduity, labour, and industry of the inhabitants, that it yields the little it does. The valleys of Baretons, Aspe, and Aslant, in the precinct, or seneschauffee, of Oleron in *Bearn*, produce pines to make masts for the royal navy; they likewise inclose some mines of lead, copper, and lead, which employ a quantity of forges, founderies, and hammers; some salt is also made in different parts of *Bearn*, though very little more than serves for the natives consumption. The productions of this country for trade are wine, wheat, millet, oats, apples, flax, and hemp, with which latter they make some linen, as they do cyder with their apples; their wine of the seneschalry of Morlac is esteemed excellent. These two provinces, more especially the mountains of *Navarre*, have most admirable pasturage, which enables the inhabitants to breed and raise a great number of horses, horned cattle, and sheep, of which latter the wool is so fine as to pass for that of Spain; though here are no woollen manufactories, except a trifling one for coarse cloths for the poor natives use.

BEAST of burden in the commercial stile, is said of all four-footed animals which serve to carry burdens and merchandizes on their backs. Those that are most commonly used are elephants, dromedaries, camels, horses, mules, asses, the sheep of Mexico and Peru, and the Vicuna. There are also some places on the coast of Africa where they use oxen: nay, even large dogs are sometimes employed for that purpose, as may be seen in Flanders, and some other countries.

BEAUCAIRE, a fair famous throughout all Europe, and the most celebrated of all those that are kept in France. It was formerly kept within the city of *Beaucaire* in Languedoc, from whence it took its name, and where there are still to be seen several piazzas, or arches, which cross the streets, and under which the traders did probably expose their wares to sell: but it is a long time since the reputation of this fair, and the concourse of people resorting thither increased to such a degree, that they have been obliged to keep it partly in the open country, under tents, which they pitch in a meadow near the city. This fair begins the 22d of July, or St. Magdalen's festival, and continues but three days. People resort thither from all parts of the world, and there is no merchandize, how scarce or curious soever it be, but may be met with there: so that, notwithstanding the short time it lasts, there is such a prodigious trade, that it amounts to above six millions of livres. The inspector of the manufactures of Nîmes, assisted sometimes by his brethren of the neighbouring districts, together with the judges of the police of manufactures, and the masters, wardens, and jurats, visit and mark all foreign stuffs. The directors of the five great farms of some neighbouring districts are also accustomed

stmed to go thither, to take care of the concerns of their respective farms.

The freedom of the fair of *Beaucaire* is a privilege granted to the inhabitants of that city in the year 1217, by Rynard, count of Toulouse, both on account of their constant loyalty to him, and because of that city's most happy situation for trade. Since the province of Languedoc has been united to the crown of France, that privilege has been often renewed by several kings, particularly in the year 1483 by Charles VIII. and again under the reign of Lewis XII. and under that of Lewis XIII.

The conveniency of the river Rhone, on which the city of *Beaucaire* stands, draws to its fair the merchandize of Burgundy, Lyonnois, Switzerland, and Germany. The sea, from which it is but seven leagues distant, brings thither those of the Levant, Italy, and Spain, and by the royal canal it receives all that can come from Upper Languedoc, Bourdeaux, Brittany, and the Ocean.

The merchants who chiefly resort to this fair, are those of almost all France, either by themselves, or by their factors. Those of Spain, Italy, and Germany, come also thither in great numbers; and there are few nations in Europe, whose traders are not concerned in this fair. There are always Armenians, often Persians, and sometimes merchants from oriental countries still more remote.

The chief merchandizes sold there, are spice, drugs, hard-wares, woollen and silk stuffs, Spanish and Barbary wool, besides that of the growth of the country: in a word, all that is either produced or manufactured in France, or imported from abroad; and pretty often even jewels are sold at this fair.

There is likewise a great trade in money by exchange, and remittances to all parts of the world.

As this is the only fair in all Languedoc which is really free, it is properly with a design to enjoy the freedom, that the merchants resort to the other fairs in that province, in order to buy up there those merchandizes which they have a mind to carry to the fair of *Beaucaire*; and how famous soever the fairs of Pezenes and Montagnac be, we may truly say, that they are kept only to prepare matters for that of *Beaucaire*.

Before the year 1632, the freedom of this fair was full and entire; but, since that time, it has suffered some diminution, by the establishment of the duty of re-appraising, which was laid on all merchandizes in the province of Languedoc, of which duty the merchandizes brought to the fair were not free. That duty, indeed, is not very considerable, since, one year with another, it does not bring in to the king above 2500 livres *per annum*. They pay also another small duty of twelve sols *per bale* of merchandizes which are not unpacked, the farmer pretending that they ought all to be unpacked. That duty is called *abonnement*, and does not produce above 5000 livres. If the entire freedom was restored, it would, perhaps, encourage merchants to improve their trade there.

BEAUCE, the northern division of the principality of Orleans, in France, is situated between Orleans, Blaisois, Perche, and the isle of France. At *Chartres*, the chief trade is that of corn, this country being so fruitful that it can furnish several provinces with corn. They have also some manufactures, for which the water of the Eure, on which this city is situate, is reckoned very proper.

Pluviers is a small, but trading town, on the rivulet Oeuf, where they keep a market every Saturday, and drive a considerable trade in corn, which the neighbouring fields produce.

The soil produces also wine and saffron.

BEAUJOLOIS. See LYONNOIS.

BEAVER, the fur or skin of the *beaver*, or *castor*; used in making hats, &c. This animal is common in the northern parts of America, from whence the *beaver* is imported by the Hudsons-bay-company.

There are also two sorts of it, the *coat-beaver*, and the *parchment-beaver*; the former has been worn some time by the savages, as a garment; but the latter is as it is taken from the animal.

Beaver-skins, to what duties liable, and other regulations concerning them, see *Stat. 4. Geo. II. c. 9.* Also see FURS and PLANTATIONS.

BEDFORDSHIRE. The products of this country are

principally consumed at home, though it occasionally furnishes something for abroad, in its wool (after working up;) and its manufacture of straw-hats, and other things made of that material (at Dunstable and Luton) employ several thousands of the inhabitants; and are worn by multitudes of the principal ladies in England: fullers earth is found at Woburn and Aspley, and butter is made in many places, and sent up fresh in lumps to London.

BEADSTEAD-MAKER. The boy designed to be a *bedstead-maker* need not have either much learning or ingenuity; it is a very ordinary branch of the carpenter's business, and may be learned in a very short time. The only requisite in an apprentice is strength of body: it requires no great sum to set up a master; but he must give credit to the upholsterer. Journeymen in this business have usually fifteen shillings a week.

BEE, a well known animal, remarkable for its industry, and for yielding *honey* and *wax*.

Honey is a vegetable juice, obtained from the honey-comb, either by simply separating the combs, and then laying them flat upon a sieve, thro' which the honey spontaneously percolates; or by including the comb in canvas bags, and forcing the honey out strongly in a press. The first sort is esteemed the purest: the later is found to contain a good deal of the matter of which the comb is formed, and sundry other impurities, which the violence of the press has probably mingled with it. There is another sort still inferior to the two above mentioned, obtained by heating the combs, before they are put into the press. The best sort of honey is white, thick, of an agreeable taste, and a very pleasant smell. Honey effervesces with alkaline salts, and readily dissolves in water or spirit. Exposed to a gentle heat, it grows thinner, and throws up a thick, viscid matter to the surface, which being skimmed off, leaves the honey more transparent and pure than before. Distilled in close vessels, it yields first an aqueous liquor slightly impregnated with the smell of the honey: from this dew of honey, as it is called, great expectations have been raised with regard to its medicinal virtues, but experience does not at all warrant the justness of this notion. This is followed an empyreumatic oil, and leaves a small quantity of black matter at the bottom of the distilling vessel, which being burnt in the open air, yields an inconsiderable portion of ashes, in which, upon applying a magnet, some iron is found, but upon elixation with water, little or no fixed salt. *Lewis.*

Bees wax is a solid substance obtained from the honey-comb, after the honey is got out, by heating and pressing it between iron plates. The best sort has an agreeable smell, and a lively bright, yellow colour. It is neither soluble in spirit of wine, nor in water: boiled in the first, it loses its yellow colour, becomes white, and of a softer consistence; but treated in the same manner with the latter, undergoes no change. Distilled in close vessels, it totally arises; and set on fire in the open air, entirely burns away, leaving no ashes behind. *Lewis.*

Considering the advantages arising from the labours of bees, is it not strange that our country people are not more solicitous about the preservation and increase of these animals? It is certain they would multiply prodigiously with proper management: and we might, upon a moderate computation, have five thousand times as much wax and honey produced in this kingdom as we have at present. But instead of taking due care to keep them warm in winter, and to supply them with a sufficient quantity of food, we suffer vast numbers to perish annually; and still greater numbers we destroy, with the loss of an immense future progeny, by smothering whole swarms in the hive, in order to obtain the honey. Our neighbours the French and Dutch have found out a method to prevent this destruction; and it is surprising that no notice has been taken of what Sir George Wheeler relates concerning the management of bees in Greece, which certainly deserves the consideration of our farmers, as such a practice, or something of the like nature, would evidently tend to their very great emolument.

The Greek bee-hives (that traveller informs us) are made of willows or osiers, and shaped like our common dust baskets, being wider at the top than at bottom, and plaistered with clay both within and without. Across the top

top of the hive, they lay broad flat sticks, covering them with clay and straw to secure them from the weather. To these sticks the bees fasten their combs, so that they may be taken out whole, one by one, with the greatest ease imaginable. In March, or April, to prevent the bees from warming and flying away, they separate with a knife the sticks to which the combs are fastened, taking out those on each side, and placing them in the same order in another hive, till they are equally divided. Then having furnished each hive with more sticks, and covered them over as before, they set the new hive in the place of the old one, removing that to a neighbouring stand. This is done in the middle of the day, when the greatest part of the bees are abroad; who, at their return home, divide themselves without much difficulty, some taking to the new, others to the old habitation. In August they take out the honey after the same manner, that is, separating the sticks on each side, and taking away the combs, till they have left only such a quantity in the middle, as they judge sufficient for the support of the bees in winter; brushing those in the combs into the hive again, and covering it afresh with sticks and plaister. This is also done in the day-time, when most of the bees are absent from the hive, and are therefore least disturbed themselves, and give their plunderers the least disturbance. By this means the bees, being not destroyed, as is the custom in England when we take the honey, increase and multiply prodigiously, and make their masters ample amends for the little honey they leave them to feed upon in the winter. Besides, the smoak of the sulphur used to destroy the bees, diminishes the fragrance of the wax, and cannot communicate any good flavour to the honey.

Some curious and interesting æconomical observations on bees, by M. Du Hamel.—From the memoirs of the royal academy of sciences at Paris, for the year 1754.

It is well known that it is customary, in the province of Gatinois in France, not to destroy bees for their wax and honey; on the contrary, these vigilant and industrious labourers are preserved with all possible care. It is true, the fruits of their labour are seized upon, by making them pass into other hives; but it is with a sort of gratitude, because their wants are supplied in other pastures, where they meet with flowers in abundance. I shall here go through the different operations for the tending of bees, which may succeed each other in the course of a year.

As soon as the season becomes somewhat mild, the bees come forth from their hives to gather in their harvest. The flowers of box and elm are the first that supply them in some abundance: they are also seen to fasten on the bark of resinous trees, where it is thought they gather the propolis.

The flowers of the peach-tree, apricot, and a great number of others that bloom in the spring, furnish successively work for the bees. They are permitted to indulge themselves peaceably in these occupations till the coming out of the first swarms, which lasts usually from the 28th of May to the 20th of June; and during this time the fanfain supplies them with a sufficiency for a plentiful harvest.

All possible care is taken to put into paniers or baskets the strong and weak swarms; the strong serve to form good paniers, and the small to fortify those that have occasion for a reinforcement, as we shall explain hereafter; for the great art consists in keeping the hives well stocked with bees, as being so many labourers that work with surprising activity to enrich the proprietor.

The swarms which do not come forth till the month of July, finding the country destitute of flowers, would perish infallibly, if they were not transported into fertile pastures; but, as the greater part of these late swarms are inconsiderable, they are employed to fortify the weaker colonies; and several, without troubling themselves about them, make it their business from the beginning of July to change the basket-bees, to save the considerable quantity of wax and honey they collected from the spring flowers. A short detail of this operation is as follows:

One or two openings are formed at the top of the basket intended to be emptied, by cutting the osiers across, but taking care of those that run lengthwise, not to destroy

the basket, which may be repaired when emptied. This basket, being laid on the back of a straw chair, which supports it as on a bank, is covered with the empty one, both being disposed like two dice boxes placed in each other.

As the bees might pass between the two baskets, a packing-cloth is thrown over them, tied up by a cord. Immediately after, a man holding an earthen pot with some live coals, and covered with some old linen rags to raise a deal of smoke, thrusts the pot under the back of the chair, that the smoke may get into the basket that is full. The bees, dreading greatly the smell of the smoke, fall out by the openings at top to retire into the empty basket; and, when it is supposed they are all got out; the new basket is gently raised to be laid on the ground, and that with the honey-comb is quickly carried off.

By this simple method, instead of destroying so many bees, which have laboured so much to our advantage, a great number are preserved; and far from being discouraged by our larceny, they soon redouble their activity to repair the vast loss they have sustained. However, by this method, unless proper precautions are used, the whole young brood would be lost. The nymphs, or young bees, ought to be considered as a multitude of children still too weak to be useful to the republic; but, if suffered to arrive at the state of a adolescence, would soon be young and vigorous labourers, and capable of supporting the greatest fatigues.

Besides, it is well known, that the propagation of their species, and the care of rearing their young, is what they have most at heart. Deprive them of their provisions, which they have been at great pains in amassing, and they will know how to procure a new store. It seems, they little dread the injuries they can repair by labour; but, if their brood is taken from them, the discouragement is sensible, and nothing but the hopes of seeing the mother make a new laying of eggs, can determine them to set to work. It is therefore observed, that, when the young are preserved in changing the baskets, the activity is much greater than when the bees are robbed of them.

To explain how the young brood is preserved, it will not be amiss to know that the smoke, whereby the bees are driven out of the combs, brings on them a kind of intoxication, out of which they do not recover but by degrees. During this time, which must not be neglected, the combs are to be taken out, and all such as have honey are set apart as the proprietor's profit; but those where the young are, must be replaced in a new basket, and supported quite at the top by rods laid across. This basket is quickly brought back, near that wherein the bees have been deposited, and after having intoxicated them anew with the smoke, and struck the opening of the basket to make them fall out, they are received into the other that contains the young. The bees, soon recovered from their intoxication, climb to the top of the basket, where, finding their young, they set to work with an incredible activity to repair all damages. The ill-disposed combs are fastened by new ligatures to the basket, or rods, on which they were placed: the nymphs that were killed in the operation are drawn out of the holes, which are filled up with honey; new combs are found; and it will be perceived in a moment with what vivacity the work is forwarded, when the bees are in a place well provided with flowers. New bees are immediately formed out of the nymphs; and as they add to the number of the labourers, the holes they leave empty are quickly filled with honey, or a new offspring.

The basket-bees, as already mentioned, are usually changed in the beginning of the month of July; and, that the hives might readily fill, care should be taken to transport them to the places that abound with such flowers as suit them; these are the flowers of heath, melilot, feather, broom, large beans, peas, vetches, and that kind of sinapi found frequently growing with oats, and especially the *virga aurea virginiana Zanoni*, by some called the bastard-hemp.

If the weather is fine, and the flowers in plenty, the hives that have been first changed, are well filled towards the end of August; and, when this happens, they may be emptied a second time; but great care should be taken for preserving the young.

Notwithstanding all the precaution used in the conducting of these operations, a great number of bees perish. To supply the deficiency, because it is of the utmost importance that the hives should be always well-stocked, it will be advisable to fortify the good baskets with the small swarms, which otherwise might be too weak to pass the winter.

When, therefore, it is found necessary to incorporate the bees of two baskets, both must be fumigated to stupify the bees. Those of the small basket, being made to fall on the ground, are covered with the hive that is to receive the re-inforcement. The foreign bees mingle with those that have been habituated to their abode; and, when both are recovered of their intoxication, they often form but one family, without much contention. Sometimes they quarrel downright, and a handful or two of bees may lose their lives in the battle; and it is thought even that there is no cessation of hostilities among them, till after the death of one of the mothers, or queen-bees.

If one should have several small swarms, and none of the good required an augmentation, three of the former may sometimes be incorporated; and, thus combined, they have been often known to turn out very good. As soon as the baskets have been changed a second time, they may be transported where buck-wheat grows, to enable the bees to make a third harvest; and in a favourable season for working, when it neither rains nor is windy, and when the flowers are well blown, a part of the baskets is sufficiently filled towards the end of September, so as that near half a foot of the combs may be cut off. This operation requires few precautions. The baskets are laid on a straw chair, somewhat inclined; and the bees being obliged to retire to the top, by blowing smoke between the combs, they may be then clipped, without the least hindrance from the bees. It is almost unnecessary to hint, that the basket-bees should not be changed but when the hives are very heavy, and well stocked with labourers; but particular care ought to be taken not to clip the weaker baskets: the loss of them should not be hazarded for the sake of an inconsiderable profit; besides, the honey gathered on the buck-wheat is always yellow, and of little value; yet, when the weather is favourable, the strong baskets soon repair all the damages they have sustained.

In the beginning of October the baskets are visited, or rather weighed by hand, in order to supply with honey the light, as thereby they may be judged to have not a sufficiency of provisions for winter. The best manner of giving them this supply is to mix honey with chopped straw on a plate; which should be laid over night under the hives that want food. The next day the bees are hot at work in getting the honey into the holes of the combs; and towards evening the straw is as dry as if it was just taken out of the barn. The precaution of giving honey to bees over night is not indifferent; for if those of the neighbouring baskets were tempted to share in the distribution, quarrels might arise, which are better avoided. The succour is proportioned to the wants of each hive: four, six, or eight pounds are required, according as the baskets are more or less light; for custom will nearly judge what is necessary.

With the help of some pounds of common honey, the bees are in a condition to pass the winter in tranquility, and the following year will be only a repetition of what has been mentioned, with the changes depending on the temperature of the weather; for though, in favourable years, the bees of some baskets may be changed three times, yet in others they cannot, at most, but once. The intelligent proprietor must judge of the work done by his bees, relatively to the state of the season, the number of labourers, and their activity; for he would lose his stock, if after depositing his bees in empty baskets, high winds or frequent showers of rain kept them from working, or if he neglected to transport them where there is plenty of flowers. In a wet season, shady and watry places should be avoided, because the honey they make in them is of a bad quality, and they are otherwise subject to be attacked by a lark that destroys them. On the contrary, these situations are preferable in dry years, when plants are scorched and burnt in grounds exposed to the sun; but the

sudden and unforeseen changes of the weather sometimes deceive the most attentive and intelligent economists, who have the mortification to see the bees they had but lately changed, incapacitated to supply themselves with new provisions. However, the hives should be often visited, in order to know the degree of activity in the bees work; for some of the baskets are found very full, and others empty. All the bees are not equally laborious: the baskets of the most industrious, being weighed, having been found, in twenty-four hours, augmented by six pounds, both in wax and honey; but some bees labour only to live, and this inaction usually happens when the mother is dead. To remedy this inconveniency, the bees in the weak basket must be stupified, to incorporate them with one that is strong; or, if the degenerate basket be well stocked with bees, a small one that has a mother may be added to it; sometimes also a small basket is smoked to seek for a mother, which is put into the degenerate.

Some hives degenerate, though abundantly filled with combs and bees; in this case also it often happens that it is not for want of mothers, but that the bees, content with their provisions, indulge themselves in idleness. The way to dissipate their inaction, is either by changing their baskets, or cutting off considerable portions of the combs, to reduce them to four or five inches, that remain at the top of the hive. If, after this operation, they are not animated to work, it is a sign that the mother is dead; and the only resource will be to provide them with another.

The bees, left for two or three years in the same basket, are subject to degenerate; but the economist's view being to reap some profit from the work of his bees, he ought to excite their activity, and should never fail to change the bees that have not swarmed; for, having commonly a sufficiently stock of labourers, they kill the brood, and empty the holes to fill them with honey. The method of preventing the victims from destruction, is to make the bees pass into another basket; they will soon repair their loss, and will besides suffer the brood to subsist, which will be soon useful for carrying on the great work they have to execute: instead of changing the basket-bees, vessels, such as tubs, to raise the hives, may be placed under them; and this method may be attended with considerable advantages, especially when a scarcity of flowers, or rainy and stormy weather, are apprehended. The bees then become quite indolent; but if circumstances should prove more favourable, the profit will be found greater than expected. This I myself have seen verified by placing a strong basket on a bucking tub turned upside-down, in which a hole had been made. The bees filled to such a degree the tub with thick and large combs, that it yielded between five and six pounds of wax, and four hundred and twenty pounds of honey.

It may be concluded from all that has been said, that an economist, who proposes to rear bees, and have a considerable profit by them, ought first to preserve with all possible care their lives, and promote, as much as in him lies, their population. Secondly, he ought to maintain activity in his hives, and excite his bees to work. Thirdly, the desire of gain should not induce him to occasion a scarcity, which would infallibly destroy a great number of bees; his own interest, and a sort of equity ought to make him very vigilant in providing them subsistence, either in making over to them, under certain circumstances, all the fruit of their labours, or by transporting them into fertile pastures, or even furnishing them with foreign succours, when their harvests have failed. I may also add, that by changing the basket-bees, the hives are cleared of several insects, that eat up the honey, and destroy the brood. Experience and reflection will besides suggest several useful particulars, too tedious to be here laid down and inculcated.

BEECH-TREE, a forest-tree, is very thick and full of branches, and grows admirably well in heavy lands, on mountains, and even in a stony or rocky soil. It has leaves somewhat resembling those of the horse bean; the male flowers grow together in a round bunch, and are produced, at remote distances from the fruit, on the same tree. The fruit, which is called *mast*, consists of two triangular nuts, which are inclosed in a rough hairy rind, divided into four parts.

Besides

Besides the common sort, there are two others, the one with yellow striped leaves, and the other with white striped leaves; but these are only accidental varieties, which produce no real difference of species. Planters, indeed, would distinguish two or three sorts, one of which they call the *mountain-beech*, which they say affords a much whiter timber than the other, which they call *wild-beech*. But Mr. Miller is of opinion, that the difference in the colour of the wood is occasioned by the places where the trees grow, which is often the case with most other sorts of timber.

This tree affords but two articles for trade, namely, its timber, and its fruit, or seed. The wood of the *beech* is whitish, hard, dry, and crackles in the fire. It is commonly sold in the forests cut into boards, stakes, and shingles, to be afterwards used in making household furniture, and other joiners works. The boards ought to be from eleven to twelve inches broad, thirteen lines thick, and six, nine, or twelve feet long.

The *beech-timber* is also sold in laths, which are small thin boards, designed for the drawer and trunk-makers.

They likewise make of this wood staves, saddle-bows, &c.

It is very useful for making the keel and inside of ships.

Beech-wood is also used in making shovels, spoons, wooden-shoes, and other such small wares.

Of the largest trunks of *beech-trees* are made forms, and kitchen-tables, which are four, five, six, and seven inches thick, and of different breadths and lengths, according as the trunks are more or less thick and long.

Beech-wood also makes good fuel; for which reason there is a great deal of it sold in faggots, in cords of wood, in logs, &c.

The fruit, or seed of the *beech-tree*, which is a kind of nut, or acorn, called *mast*, contains a kind of white and oily marrow, or pulp, of a sweet taste, and agreeable to eat, of which they make oil, very much esteemed for frying, and for sallads. This oil, which is very common in Picardy, and those places where there are many *beech-trees*, is extracted cold by expression, after the shell or the mast has been taken off, and the pith broke, or bruised. There are some countries where hogs are fattened with *beech-masts*, as they are with acorns in other places.

The common people in France use that oil instead of butter; but most of those who use a great deal of it complain of pains and heaviness in the stomach. Monsieur Danty d'Isnard has prescribed a method to prevent those inconveniences. One must pour the oil of masts, newly expressed, into stone pitchers, very closely shut, put them into the ground, and lay them there a year; after which time the oil will have lost all its bad qualities. *History of the Royal Academy of Sciences at Paris for the year 1726.*

BEEF. The statutes concerning it are, 12 Car. II. c. 4. 18 Car. II. c. 2. 20 Car. II. c. 7. 22 Car. II. c. 13. 3 and 4 Will. and Mar. c. 8. 3 Geo. II. c. 20. 5 Geo. II. c. 6. 4 Geo. III. c. 28.

BEER, a well-known drink, prepared from malt and hops, and rendered vinous by fermentation.

There are several sorts of *beers*, which differ from each other, according to their consistence; for some are heavy, thick, and muddy, others clear and fine. Secondly, according to their colour; for you will find those which are pale, amber, and almost red. Thirdly, according to taste; for some are sweet and penetrating, some bitter and sharp, and others almost as pungent as mustard. Lastly, they differ also according to their age; for new beer hath a very different taste from that which is stale. These various differences proceed from the way of brewing them, from the different countries or climates, from the water that is used, from the time spent about them, and from the ingredients made use of, and the proportions of them.

The *beer* is reckoned the best which is clear and of a pale colour, of a pungent and agreeable taste; that sparkles greatly on your stirring it, and that is neither too old nor too new.

By 1 Will. and Mar. stat. 1. cap. 22. sect. 1. Any person may ship off, within any of the usual and allowed ports by law, and at the common keys, and within the usual hours of excise, to be exported into foreign

parts, in the presence of a sworn officer to be appointed by the farmers, &c. of excise within the limits where the same shall be shipped, any strong-ale, strong-beer, cyder, or mum, to be spent beyond the seas, paying custom for the same after the rate of one shilling per ton, and no other duty: such officer to certify the quantity so shipped off, to the commissioners and officers of excise, where the entry thereof shall be made; who are required to make allowance, or repay the excise of the beer, ale, cyder, or mum, so exported, to the brewer or maker thereof, within one month after such exportation, deducting three-pence per ton for the charges of their officers.

Seet. 2. If any person shall cause, or suffer any liquors so shipped to be laid on land, or put into any other vessel within England, Wales, or Berwick, he shall forfeit the same, and fifty pounds more for every cask so unduly landed or put on board any vessel; the one moiety to the king, &c. the other to the informer; and their majesty's commissioners and officers of the custom shall charge every master of any vessel in his victualling-bill, with so much beer, ale, cyder, or mum, and no more, as such number of men used to spend in such voyages; the excise whercof to be recovered according to the laws established.

Seet. 3. The rate of one shilling the ton for beer, &c. exported, shall be levied and paid under such rules and penalties, and in such manner, as by the laws of tonnage and poundage are ordained.

Seet. 4. No mum imported from foreign parts, shall have any part of the custom or excise repaid upon exportation.

Stat. 11 and 12 Will. III. cap. 15. sect. 1. for ascertaining the measure for retailing ale and beer, all persons retailing ale or beer, shall sell their ale and beer by the full ale-quart, or ale-pint, according to the standard remaining with the chamberlains of the exchequer, in a vessel made of wood, earth, glass, horn, leather, pewter, or other wholesome metal, marked from the said standard in the exchequer, or city of London, or some other place, where a standard shall be kept; and not any other vessel not marked, on forfeiture of a sum not exceeding forty shillings, nor less than ten shillings.

Seet. 2. If any inn-keeper, alehouse-keeper, &c. shall sell any ale or beer in a vessel not marked, or deny to give the particular number of quarts, &c. in any reckoning, such inn-keeper, &c. shall not, for non-payment of the reckoning, detain any of the person's things not paying the same, but be left to his action at law.

Seet. 3. The sub-commissioners, or collectors of excise, shall procure a substantial ale-quart and ale-pint of brass, according to the exchequer-standard, to be made, sealed, and certified from the chamberlains there, without fee, and deliver to the mayor or chief officer in each city, corporation, borough, and market-town within their divisions, where there is not one already; and the chief officer giving a receipt for it, the same is to be delivered to the succeeding officer. The sub-commissioner or collector to forfeit for every default therein five pounds.

Seet. 5. Every mayor, or chief officer of every city, borough, or market-town, shall, on request, cause all such ale-quarts and pints, made of wood, &c. as shall be brought to him to be measured and sized with such standard, and marked with W. R. and a crown; which marks the said mayor, or chief officer, are to provide, and to take not above a farthing for marking each measure. The mayor or chief officer, not doing his duty herein, to forfeit five pounds, and treble damages to the party grieved.

Seet. 6. One moiety of the penalties in this act to the poor of the place, the other to the prosecutor, to be recovered by the oath of a credible witness, before a justice of peace, and prosecution within thirty days after the offence committed; and the justice of peace to cause to levy the penalty.

Seet. 7. Nothing in this act shall extend to beer or ale sold to be spent out of the house, if it be measured out by the standard.

Seet. 8. Actions brought against justices of peace, or persons employed by them, upon the execution of this act,

act, shall be laid in the proper county only, to which the general issue may be pleaded, &c. and upon a verdict, &c. the defendant to recover treble costs.

Seet. 9. The justices of peace, at their quarter-sessions, are to give this act in charge to the juries.

Seet. 10. This act shall not extend to colleges or halls in the universities.

The 12 and 13 *Will. III. c. 11. f. 19.* Nothing in this act 11 *Will. III. c. 15.* shall extend to deprive the universities of their right of sizing and marking of measures for ale and beer within their jurisdictions.

Stat. 13 Will. III. c. 5. f. 24. No common brewer, innkeeper, victualler, or retailer of beer and ale, shall use any sugar, honey, foreign grains, Guinea-pepper, the liquor called *essentia bine* made from malt and water boiled up, *coccus Indiae*, or any unwholesome ingredients in the brewing or making of beer or ale; or mix any sugar, &c. with any beer or ale. in casks, after the same is cleansed; on pain of forfeiture of twenty pounds. See ALE for further regulations and acts of parliament concerning beer; also see BREWERS.

BEGUQUELLA, a medicinal plant, the root of which is a sovereign remedy for the bloody-flux.

BEHEN, in pharmacy, a name appropriated to two roots, very different from one another in shape, colour, and their whole external appearance, and distinguished by the names of *white* and *red beben*.

We have them both from the Levant, and they seem to be produced in many parts of the East; but no where in such plenty as about the foot of Mount Lebanon. The same virtues are attributed to both kinds of *beben*, but the white is supposed to possess them in the greatest degree; they are said to be great cordials and restoratives, and to be good in nervous complaints. See BALANUS.

BEID. See APOCYNUM.

BEIGE-SERGE, is the name which the people of Poitou give to a sort of serge, which is black, grey, or tawny: others call it sheep-coloured serge, or natural serge; because the wool with which it was manufactured was never dyed, being employed both for the warp and for the woof, such as it came from the sheep. *Beiges* ought to be composed of thirty-eight or thirty-nine reeds at least, each reed being of twenty threads.

BEIRA, a principality of Portugal, divided on the north from the province Entre Duero and Minho, is bounded by the ocean on the west, and by some part of the Estremadura; on the south by another part of that province, and by the Tagus, or Taio; and on the east it runs contiguous to the Spanish Estremadura, and the kingdom of Leon.

Aveiro is a considerable market-town, situate on a bay, at the mouth of a creek, which is pretty large, and forms a kind of haven: in it are made vast quantities of salt, which are exported, some into other parts of the kingdom, and the rest into foreign countries. The country, though not so rich and fertile as some in this kingdom, or most in Spain, is yet capable of producing good corn, wine, and other useful commodities, if rightly cultivated; but a great part of the people of this province are so excessively lazy, that they had rather beg, steal, or do any thing, than cultivate their land as they ought.

BELAY, a sea-term, which signifies the same as fasten.

Thus, they say *belay* the sail, sheet, &c. that is, fasten it.

BELELAIS, a species of silk resembling taffetas, manufactured chiefly at Bengal: the piece contains twenty yards.

BELEMNITES, or *lynx-stone*, as some call it, in Latin *lapis lynceus*, or *daetylus idæus*; and called by others in English, the *arrow-head*, or *finger-stone*, is a long stone, nearly of the bigness of one's finger, sometimes more, sometimes less, round, pointed, or of a pyramidal figure, representing an arrow. They are of different colours, some white, some grey, some brown: they are generally imported from Candia, but some also come from the Alps, and from many parts of France, Switzerland, and Germany. They are found even in sandy places near Paris. There are two sorts of them; the one being put into the fire, sends forth a bituminous scent, the other

emits no scent at all. The former is probably, say some, what the ancients called *succurius*, which they falsely imagined to be a sort of *succinum*, formed out of the coagulated urine of the *lynx*. But,

The *belemnites* is really a fossil-stone, which resembles *talc* by its weight and colour. Its exterior form has occasioned it to be taken by some for the petrified tooth of an animal, and its inward colour has made others take it for a petrified horn.

BELL, a popular machine generally ranked among the musical instruments of percussion.

BELL-FOUNDER. Those of this business are generally employed in sounding bells for churches; and consequently there are few of this trade. It requires some art and ingenuity properly to mix up and make the bell-metal, to form the mould in the ground, and to fix the core to fill up the hollow part of the inside, so as to give every bell the exact tone and sound intended, as the treble, tenor, bass, &c. Some knowledge in geometry, and the mechanical powers, is also necessary, to form the bell, and manage with ease such heavy bodies. The business is profitable, but precarious; for one of this business alone cannot expect to be so constantly employed as those in other branches of foundery, especially as the small bells in houses are generally cast by the brass-founders.

BELL-METAL. See METAL.

BELLASOR. The Portuguese and the Dutch pronounce and spell the name thus in their maps, rather than *Balassor*, or *Balassore*, or *Balassora*. It is a large village in the kingdom of Orixá, near the borders of Bengal, and stands on a fine river three leagues from the sea, between the Cape, or Punte de los Palmeres, and the mouth of the Ganges. The English, Dutch, and French, have each a factory there. There comes a stuff called *bellasor*, from this place, where it is manufactured: it is made of the *berba*, the rind of a certain tree, which, being prepared and drawn out fine, works like silk, and is manufactured either with cotton or with silk. The English import the *bellasors* into Europe. The pieces are fourteen yards and a half long, and half a yard broad, English measure. There are fine handkerchiefs of this stuff.

BELLOWS, a machine, by means of which the action of the fire, or intensity of its heat, may be increased to a prodigious degree.

The learned Dr. Hales measured the surface of a pair of smith's bellows, and also the space they descended through in a second of time; by which he found the quantity of air expelled in that time was four hundred and ninety-five cubic inches in its compressed state. Now, to find what degree of compression it suffered, he fixed a mercurial gage to the nose of the bellows, and found the force of the compressed air sufficient to raise the mercury one inch high, at a mean. Hence it appeared, that the force with which the bellows impelled air into the fire was one tenth of the weight of the atmosphere. Hence also it follows, that the air driven through the nose of the bellows in one second, was more than 495 inches by a $\frac{1}{10}$ part of that quantity, viz. by 16.5 inches, which, added to the former, make 511 $\frac{5}{10}$ inches of common air. To find the velocity with which this air was impelled, he measured the area of the orifice of the nose, and by that divided the 495 inches, which gave, for the quotient, 825 inches, or 68 $\frac{5}{8}$ feet, for the length of the cylinder of air, which rushed every second through the nose of the bellows, which prodigious quantity of air acting constantly on the elastic re-acting particles of the fire must immensely increase their intestine motion, and proportionably augment their heat, which consists therein, and from which all our sensations of this kind are derived.

The ingenious Mr. Martin Triewald of Sweden has lately exhibited a new invention for producing a constant stream of air, to blow the fire of great forges, founderies, &c. and which may properly be called,

Water-BELLOWS. This machine consists of two hollow bell-form vessels, suspended from the ends of a lever, which is put into motion by a stream of water running into two troughs, both uniting or rather joining at the stream, so that only one at a time can receive the water, which

which running to the larger and wider end, laid over the end of the lever, docs, by its weight, carry the lever down on that part, till by descending the water all runs out; and then the other trough, which was filled in the mean time, preponderates, and forces down the other end of the lever; and thus the machine is constantly kept in motion. When one arm of the lever is raised, the hell, or bellows hanging from it will be raised above the surface of the water, in which the machine is placed, that it may be filled with air. Upon the descent of the lever, the bell, by a weight affixed to it, descends into the water, by which means the included air is greatly compressed, and thereby forced to pass through a long small leathern tube, going from the top of the bell to other metalline tubes, which convey it to the fire. Thus, by means of these two librating bells, the fire is agitated by a constant blast of wind.

BELLOWS-MAKER. This is a very useful and extensive business, *bellows* being not only made for families, but for organs; for blowing fresh air into mines; and for carrying on a great number of mechanic arts, in many of which they are of very different sizes and constructions, and some of them prodigiously large. It is a profitable business for the master, who may set up in a tolerable way with fifty or a hundred pounds. They take five or ten pounds with an apprentice; but the usual wages of a journeyman are no more than ten or twelve shillings a week.

BENARES. This is one of the greatest cities in the East-Indies, and seated to the northward of the Ganges, which washes its walls; its trade is very considerable, particularly in silk stuffs and cotton linen, both white and painted. The caravanseras here are many, and very commodious, in the principal of which are sold the most valuable goods, under two vast galleries raised in the middle of the court; and as it is commonly the artificers themselves, who come here to sell their goods, strangers may have them at first-hand, and consequently cheaper than in most of the other cities of India, where the Banians, Jews, or Armenians, buy them to re-sell.

BEND, a sea-term, signifying the same as fasten. Thus to *bend* the cable is to fasten it to the ring of the anchor.

BENDS, in a ship, are the same with the wales, or wales, which are the outmost timbers in a ship, on which men set their feet in climbing up the side. They are reckoned from the water, the first, second, or third *bend*. They are of great service in strengthening the ship, and into them the beams, knees, and foot-hooks are bolted.

BENGAL, is a kingdom situated to the east of Indostan, towards the sea; some formerly believed, and among them Moreri, that there had been a city called *Bengal*, which had given its name to the kingdom, of which it was the capital. It is certain that there neither is, nor ever was, a city so called in these parts; and what is more, there is no city at all seated at either of the Ganges mouths, as the said authors have asserted. If there is a metropolis, it must be that where the viceroy resides, which was formerly at Dacca, or Decca, but for a long time past the court has been kept at *Casembazar*; the first of these two cities is large, and situated on the oriental branch of the Ganges, near sixty leagues from its mouth, and the other upon the western arm of the same river at sixty leagues above *Ougli*.

All the maps of this country are faulty, as well in the form as latitude of this kingdom's coasts, by making the Ganges discharge into the gulph of *Bengal*, to lie at twenty three degrees of latitude, when it is really at twenty-one degrees fifteen minutes; and they are also very defective in the situation of places.

The commerce carried on here, as well by strangers as the inhabitants, is very considerable; and in which here are concerned, Persians, Abissins, Arabians, Guzuratines, Malayse, Turks, Moors, Jews, Georgians, Armenians, and, in fine, merchants from all the parts of Asia. All the Christian nations established in India, send their ships here, as it is the merchandize of *Bengal* that makes a considerable part of their re-loading for Europe, besides those they extract for their Indian trade.

The most trading cities, and where the English, French, and Dutch, have their most flourishing settle-

ments, are *Casambazar*, *Ougli* (*Ougeli*, or *Hugueli*) *Pipeli*, and *Bellezoor*; to which may be added *Patna*; for although some place it without the jurisdiction of *Bengal*, by making it the capital of a petty kingdom subject to the Mogul, yet as its trade is all carried on through *Ougli*, we shall not separate it from the aforementioned cities.

The English have their establishments at *Ougli*, *Pepeli*, and *Bellezoor*; the French at the two first, and the Dutch in all the said five places. *Ougli* is the city where all the nations concur, who carry on the *Bengal-trade*, and where the richest merchants of the country reside, whether Moors or Pagans. Its warehouses and shops are always full of rich Indian goods; but each sect of the natives have their particular quarters in the bazars, without ever mixing, as much for the greater freedom in trade, as out of a principle of religion, which hinders these superstitious people from having a too great familiarity together.

The lodge which the Dutch occupy at this place is very large and magnificent, having at once the air of a fortification and palace. The director lives here like a prince; and next to *Batavia*, this is the place where the power and splendor of the company appear in their greatest lustre.

Casembazar is the part of Asia from whence the Dutch draw the greatest quantity of silks, which they bring down the Ganges to *Ougli*, and from thence send part to Japan, and part to Europe; it is for this business that they maintain a considerable factory here, though they are furnished by it also with a quantity of taffeties plain and striped, and the finest linens that *Bengal* produces.

The crop of silks at *Casembazar* may amount in a common year to twenty-thousand bales of a hundred pounds each, of which the Dutch company have leave to buy only six or seven thousand, the rest are divided between the Tartars and the Mogul's subjects, or remain in the country for the manufactures.

At *Chiopera*, in the district of *Patna*, are the best refineries of salt-petre, and it is there that the greatest purchases of this commodity are made; and from whence the largest quantity of it comes that is exported from *Bengal*; and it is for this trade only that the Dutch have a factory here.

It must be observed, that in regard of the merchandize that is extracted from *Patna* and *Casembazar*, they must be ready to be carried down to *Ougli* at the end of the rainy season, as the canals by which they are conducted grow dry in two months, after the fair weather *Mousson* commences, and then the land carriage greatly augments the expence.

The merchandizes proper for *Bengal* are Japan silver, copper, Malacca pewter, vermillion, alkermes, quick-silver, lead, tables, cabinets, and other moveables japanned, porcelain of China or Japan, looking-glasses, cloths, and all sorts of European merchandize, pepper, spice, areca, elephants of Ceylon, and their teeth, birds of paradise, and Ternate parroquets. The goods of the country's growth, or that are brought there from the neighbouring kindoms, with which the Europeans usually load their ships for the homeward bound voyages, consist in raw silks, called *tanay* and *monta*, cotton-wool and thread, red wood, various boles, coffee, cowries, (or *cauris*) which serve for small money here; white and yellow wax, canes, and rattans, gutta gamba, *Bengal*, *Lahor*, *Coromandel*, and *Agra* indigo, three sorts of lacque, myrrh, various perfumes, salt, rice, salt-petre refined and unrefined, terra merita, fugar, and fugar-candy.

With these two last, the Dutch load several ships entirely every year; part for their own accounts, and part on freight for the Moorish merchants, destined principally for Persia.

There is likewise exported from *Bengal*, borax, opium, grain, gums, and medicinal roots, embroidered counterpanes, carpets, and stuffs, sent to China, Japan, Camboya, Tunquin, and several other parts of India, (and of which large parcels come to Europe) fruits, butter, (packed in copper pots, or sacks made of buffalo skins) honey, various sorts of sweet-meats, diamonds (of which

here is an ancient mine in the kingdom) and many other species of precious stones, slaves, either of the country, where the poor people sell their children to subsist, or those of Aracan, a neighbouring kingdom, whose inhabitants exercise piracy more than trade, and whose principal merchandize consists in their unhappy neighbours of both sexes, reduced by them to slavery.

Although all these commodities make a rich object of trade to the nations concerned therein, it must notwithstanding be allowed, that the dimities, tickings, linens, and other cotton goods made here, are commodities that the European companies ships bring back in the greatest quantities, and with which the Indian merchants also make a great part of their vessels loading. It is in this kingdom only, that the herb grows of which many sorts of goods are made; and the natives of the country who carry on the inland-trade, and through whose hands almost all the European affairs pass, are the Banians, who are all either merchants, brokers, bankers, or book-keepers, and among them many are concerned in the marine-trade, either in their own ships, or by those they freight.

The state of affairs in *Bengal* is now entirely changed, lord Clive having established peace throughout the provinces, and reduced the whole country under the jurisdiction of our East-India company; so that they are now the sole masters of this important territory. They are to collect all the revenues of the kingdom, and to appoint all the public officers, &c. He has settled an annual salary of fifty lack upon the nabob, and near that sum upon the king, or mogul; the company is to receive the remainder of the revenues, amounting to between two and three millions yearly.

BENIN'S COAST. See AFRICAN-COASTS.

BENZOINE, or **BENJAMIN**, is a hard, dry, brittle resin, brought to us from the East-Indies in large masses, composed of white or light brown pieces, or yellowish specks, breaking very easily when rubbed between the hands, and yielding a most pleasant smell. That which is clearest from dross and other impurities, smells well, and looks whitest, is accounted the best. The purest sort readily and entirely dissolves in rectified spirit. The tree which produces it is large and beautiful; its leaves resemble those of the lemon-tree, but are smaller and whitish underneath. Its flowers are small, and resemble those of the bay-tree, whence Linnæus has made it one of that genus. America furnishes us with no *benjamin*, but the tree which produces it in the East, is common there.

When the *benjamin-tree* in Java and Sumatra are six years old, the natives cut them in several places under the large branches in an oblique direction, wounding them to the wood. The *benjamin* flows from these wounds, and is white and soft at first, but by degrees becomes harder, and acquires a brownish or reddish colour on the surface from the air.

Benjamin is a great and powerful expectorant. It is given with success in asthma, and inflammations of the lungs, and in inveterate coughs. The flowers are however oftener given in these intentions than the resin in substance. A tincture of it, made with spirit of wine and dropped into water, makes what is called *lac virginale*, or virgin's milk, which is used to take pimples out of the face.

Flores BENZOINI, flowers of *benjamin*. These are prepared by putting a quantity of *benjamin* in gross powder into a subliming vessel, and placing the vessel, with its head not luted, in a sand-heat. The flowers will presently begin to rise into the head, which must be often taken off, and the flowers brushed out upon white paper with a feather. It will therefore be requisite to have two heads fitted to the subliming vessel, that one may be clapped on as soon as the other is taken off.

In this operation, care must be taken that the fire be not too strong, because it will throw up some oil, and discolour the flowers. These are a wonderful pectoral, and particularly in asthma; for they greatly attenuate, and open viscid obstructions, and cleanse the bronchia.

BERAMS, a coarse callicoe, made chiefly at Surat; some are plain, and others are striped. The plain pieces measure eleven yards, and the striped fifteen. The breadth is about an English yard.

BERBERIS, the *Barbary-bush*. This bush is frequently found growing in the hedges in several parts of England, though I believe it is not a native of this country; but the seeds have either been scattered in the places where they are found growing wild, or the plants have been removed out of gardens; for I have never seen it growing wild in any of the woods: but wherever any of these plants happen to grow, they soon propagate very fast, both by suckers, which are abundantly sent forth from their roots, as also from seeds falling, or by being scattered by birds.

It grows to the height of six or eight feet, with many stems arising from the root, and these do branch out on every side, so as to form a large shrub or bush. The branches are long and brittle, armed with sharp thorns at the setting on of the leaves, which are, for the most part, triple, like the three-thorned acacia. The bark is white on the out-side, but the inner bark yellow. The leaves are placed alternately on the branches, which are oval, their upper part being blunt and rounded, and neatly indented on their edges, having a sharp acid juice. The flowers are produced in bunches, like those of currants; these are bottle-shaped, spread open at their brims, and are of a yellow colour, having six compressed stamina, each of them crowned with a double summit: in the bottom of the flower is situated a roundish nectarium, divided into two parts. After the flower is fallen, the germen becomes a fruit of an oblong form, having one cell, in which are lodged two hard oblong seeds. The flowers are produced in May; these have a strong faint smell; it is very disagreeable for any person to approach them at that season. The fruit is ripe in September, when they are brought in plenty to the London markets, and sold for pickling.

The inner bark, and the berries of this shrub, are used in medicine. The inner bark is accounted opening and attenuating, and is esteemed good against the jaundice, taken either in infusion or decoction. The fruit is very cooling and restringent, and good to moisten the mouth, and quench thirst in burning fevers. A conserve made of the fruit is serviceable against all kinds of fluxes, and is frequently ordered in the jaundice. The seeds are also reckoned to have the same quality, but are seldom used. *Miller*.

BERCHEROIT, a weight used in Russia for weighing pot-ashes, and other dry goods, and answers to three hundred and sixty pounds averdupoise.

BERGAMO, a coarse tapestry, which is manufactured with several sorts of spun thread, as flocks of silk, wool, cotton, hemp, ox, cow, or goat's hair. It is properly a web of all those sorts of thread, the warp of which is commonly of hemp. It is wove on a loom, almost like linen cloth. Some pretend it was called *bergamo*, because the people of Bergamo in Italy were the first inventors of it.

Roan and Elbeuf, cities of the province of Normandy in France, furnish a considerable quantity of *bergamos* of all colours, and mixtures of colours: some after the manner of the point of Hungary (Point d'Hongrie); others with broad stripes, worked with the figures of flowers, birds, or other animals: some with broad and narrow stripes, even, and without figures: others again, which are called *China's* and *Scale's*, because they are worked so as to imitate the point of China, and the scales of fishes. They make at Roan a particular sort of *bergamo*, which they call twine, or twist, (*tortin* in French) because they use twisted wool in it; they also make some at Toulouse.

The height or length of the *bergamos* is most commonly an ell and a half, an ell and three-fourths, two ells, or two ells and a half French measure. They make, nevertheless, some of two ells and three quarters; but these are not common, being seldom made but for merchants who will have them so. There are of these tapestries some fine, some middling, and some coarse, or common.

Formerly the French used to send some *bergamos* into foreign countries, particularly towards the north: but, at present, they are scarce used any where but within the kingdom, and chiefly at Paris, there being few tradesmen,

men, or mean people, in that great city, who would not think it a disgrace, if when they set up, they had not a *bergamo* tapestry in their rooms. These are likewise called tapestry of the street St. Dennis, or of the gate of Paris, because there are more of them sold in that part of the town than any where else in Paris.

They who trade in those tapestries are the mercers, upholsterers, and brokers; but the former only have them from the places where they are manufactured. See TAPESTRY.

BERGAMOT, or BURGAMOTE, the name of a certain fragrant and cordial essence; called also *essentia de cedra*.

It is extracted from a kind of lemon in Italy, called *bergamot*, which they say, owes its origin to an Italian, who took a fancy to graft a lemon-tree upon the stock of a *burgamot* pear-tree, whence the lemons produced from this union, participated of both the nature of the citron-tree, and the pear-tree. The inventor kept this discovery secret for a long time, and enriched himself by it.

To extract the *essentia de cedra*, they cut the yellow or external rind of the lemon into small pieces, and squeeze them into a glass vessel, in the same manner as you squeeze orange-peel to perfume a glass of wine. By this means there is produced an ethereal oil very subtle, and of a charming smell.

It is a cardiac, stomachick, and cephalic. *Lemery*.

BERGEN in Norway, was once a first rate Hans-town, and the seat of a bishop and grand bailey, though its trade has for some time gone very much to decay: at present its principal exports are tar, ordinary nine or ten feet deals, salt-cod, stock-fish, herrings, and salmon; here all sorts of corn may be imported, on paying a custom of twelve stivers specie *per barrel*.

BERKSHIRE produces some commodities for exportation, the woollen manufactures at Reading, Faringdon, Newbury, &c. being very considerable in cloth, druggets, duroys, ferges, shalloons, and stuffs; and at the first of these towns has been established for some years past a most extensive fabric of canvas, or sail-cloth, which is brought to such perfection as to equal in goodness any that was formerly imported from Holland or France, to the no small advantage of the neighbouring poor, who in large numbers are thereby employed: and whilst it so plentifully supplies the exporting branch of commerce, it is not barren in products for home consumption, having corn, cattle, and wood, (especially beech and oak) in abundance. This county, Gloucestershire, and Wilts, send yearly to London about six thousand ton of cheese, the half by land-carriage, and the other moiety by barge, from Lechlade, Abingdon, Newbury, and Reading, and in return is furnished with salt-butter in firkins from that city, to supply the deficiency of their dairies.

BERLIN. This city has a regular fortification, though not very formidable. The frequent wars which happen in Germany seem to render it an essential article to fortify the capitals of sovereign princes, not only as the residence of their courts, but as the place in which a very great portion of their wealth centers.

Strangers remark, that *Berlin* is a little Paris, the French language being almost as well understood as the German. This city abounds in elegant structures and regular streets, and is computed near one third as big as London, yet it has not above one eighth part of the inhabitants; from whence it may be easily accounted why grass is found growing in many of the capital streets. The inhabitants were formerly computed at 80,000; now they are reckoned 110,000, including the garrison of 10,000: all the Prussian dominions, Silesia excepted, hardly contain two millions of people.

This acquisition of 20,000 inhabitants and subjects is imputed to the good conduct of the king, in granting privileges and lands, sufficient to induce many to establish themselves in this capital; and considering this country is so extremely despotic and military, without any foreign trade, and surrounded by neighbours who want little or nothing of them, manufactories here may be said to flourish. They make woollen cloth sufficient for the army, and great part of their home consumption; and Silesia is well known to produce a great supply of linens, which

are sent all over Europe, and also to America. Their export of woollen cloth to Russia was once considerable, but at present is very small. So many thousands of French manufacturers having found protection in this country, gold and silver lace, and wrought silks are hardly to be bought in any place so cheap.

Humanly speaking, nothing is superior to industry. We often find that things which appear contrary to nature are brought to perfection by perseverance and labour. "Indeed I was surprized (says Mr. Hanway) to learn, that the environs of *Berlin* produced four hundred pounds weight of raw silk; and some of the courtiers who espoused commercial schemes flattered themselves that the climate would admit of a large production of this kind; to me it appears next to impossible: and though the king has taken the manufactories of silk into his own hands, still this does not promise that success which they expect. Some of the people most interested this way endeavoured to persuade me, that whilst we were debating in England about the reduction of duties on China raw silk, the French had taken their measures to monopolize this commodity in that empire; and it was not difficult to discern from hence how much they incline to the French interest, whilst the French secretly wish to see the wings of the Prussian eagle clipt."

The exchange in *Berlin* is ordinarily about one hundred and thirty-four of their dollars for one hundred rixdollars in Amsterdam. They keep their accounts in dollars, goede groschin, and phenigen.

18 Phenigen ——— 1 goede groschin.
24 Goede groschin ——— 1 dollar.

They reckon 5 dollars to a louis d'or, and 6 dollars 1 English guinea, 2½ dollars 1 ducat full weight.

BERMUDAS, or SUMMER ISLANDS. These received their primitive denomination from one Bermudas, a Spaniard, their first discoverer; and were afterwards called *Summer Islands*, from Sir George Summers, who was shipwrecked, and in another voyage there resigned his breath. They lie within the limits of the grant that was made to the Virginia company, who sold them to a hundred and twenty persons of their own society, and these afterwards obtained a charter from king James, which confirmed their property. This new company soon endeavoured to render their land profitable, by the establishment of a colony, and accordingly sent a ship there with the first adventurers in 1610, under the direction of Mr. Richard Moore, who made them an excellent governor, and soon put them in a capacity to defend themselves, by building a handsome town and strong forts; and by his prudent management, he disappointed the Spaniards attempts to land on, and conquer these islands in 1614. His first settlement was upon a plain in St. George's Island, where, from a habitation of palmeto leaves, sprung up St. George's town, one of the strongest and best built in our American colonies.

This worthy man was succeeded by Capt. Daniel Tucker, who being a person of a superior education to his predecessor, and having seen more of the world, exerted his talents in favour of the colony now put under his care, and established a regular form of government, traced out plantations, and obliged every one to build uniformly in the town, and to plant regularly in the country; so that a beautiful symmetry was seen through the whole of their improvements, and pleasure with profit was thus blended.

In 1619, this vigilant governor quitted to another, who then arrived from England with four ships and five hundred planters, which were equalled in number by those already settled there, so that the colony began now to make a figure; some laws were settled, the government directed to be, by governor, council, and assembly, as in our other American plantations; and Captain Tucker having before established a militia, they were secured against the attacks of any enemy.

The number of these islands is uncertain, as by some they are reckoned to be three hundred, whilst others make them above five hundred. They lie in the latitude of 32° 30' north, and in 35° of western longitude, a great distance from the continent, as the nearest land, which is Carolina, lies at least two hundred and fifty leagues (as Mr. Harris, or four hundred and eighty miles, as Mr. Echard says) to the west of them.

The air is deemed extremely wholesome, and the country vastly pleasant; the soil is rich and fertile, inasmuch that Indian corn (their chief support) is reaped twice here, between the months of March and December; and all the plants, flowers, and trees, peculiar to the West-Indies, grow here in great perfection, as those transplanted from Europe do; and besides, among the fruits, the oranges here, in every respect, exceed those either of the East or West-Indies; as among the forest-trees the cedar does for any use or purpose whatsoever, more particularly in ships, so that the *Bermudas* sloops are become famous, both for service and sailing.

St. George's Town (the capital) has no less than seven ports to defend it, though indeed the whole coast, and the unknown rocks, are natural bulwarks to this country, so that the inhabitants live free from the apprehensions of an enemy, and as happy as a mild government, and a delightful country can make them: it is true, that the pleasing prospect of riches has been the principal attraction to the peopling of most of our other colonies, though the settling these isles was apparently from different motives, as their trade is very limited, and consequently the opportunities of making a fortune very rare; so that the greatest inducement the state had to settle them, was to keep them from being possessed by any other nation: but that arising to the adventurers, was to secure to themselves a safe and quiet retreat, from the cares and tumults that the other parts of the world laboured under, of which they had none here to ruffle and disturb them; so that many with this philosophic disposition, and who could content themselves with the pleasures and plenty of the country, retired here with their fortunes, or others did to procure or preserve health, and some few on account of religion.

Their trade chiefly consists in timber and provisions, (which they tend to the other parts of America) a small quantity of tobacco, and the building of sloops, as before-mentioned; so that though it has for some time been a very flourishing colony, it is very little beneficial to the mother-country, otherwise than by the clothing and other necessities it takes from us, which cannot be inconsiderable, when the smallest computation makes the inhabitants to be in number at least nine thousand.

BERNE, in *Switzerland*. The commerce of horses and other cattle brings in here large sums of money; that of grain is a principal article; the white-wines of the coast and the Vaud are very much esteemed; of which the cantons of Fribourgh and Soleure consume a great deal. Its manufactures consist in the spinning of silk ferret, which employs more than four thousand persons; in linen and hempen cloths of all sorts, dimities, cotton cloth for printing, silk stuffs, and others with silk and cotton, flannels, cotton and wool, cotton and thread, silk, worsted, cotton, and thread stockings, ferrets, tapes, and fine paper. The greatest part of these manufactures owe their establishment to the French, who found here an asylum from their persecution, and succours beyond their hopes. The ferret and thread find a vent in France, Germany, and the other parts of Switzerland; the linens and table-cloths (of which here is made a prodigious quantity) sell in England, France, Spain, and America; these being the finest and best of any wrought in all the cantons. The dimities are very like those of Holland and Flanders; many of the cotton cloths are printed in several fabricks, as well in the city as other places of the canton, and the rest are sold for the same use to Geneva, Neuchâtel, Morat, and Bale.

The stocking-weavers get their wools from Leipzig, which they have spun in the manner as to make stockings of two, three, and four threads, sold chiefly in Italy, where their beauty and goodness has brought this fabrick into great esteem. The silks manufactured here serve principally for the consumption of the cantons, among which it stands the second rank, though in bigness it is one-third of the whole. It has many considerable towns and places subject to it, where divers manufactures are established, or some trade carried on.

BERRY. The sheep and wool of this province in France are the principal materials it furnishes for trade; its corn, iron, hemp, nut-oil, wines, and wood, would also occasion a tolerable good traffic, had they navigable

rivers to carry them off. The finest wool is sold for Rouen, and only the inferior sorts worked up here, of which are made the coarse cloths, called *drab de Berry*, and some ordinary serges, druggets, linsey-woolsey, &c. at Bourges, Issoudan, Chateauroux, Vierzon, Selles, Aubigny, St. Amant, la Chastres, Castillon, Mehun, Dun-le-Roi, St. Benoît-du-Sault, Buzançois, Leve-roix, St. Lavin, Sancerre, Linseries, Leret, La Chapelle-danguillon, Aime-le-Chateau, St. Guatier, Ivry-le-Pre, Argenton, Neuvy St. Sepulcre, Argent, Valencay, Cinconet, Bangey, Sancergues, Les Aix, Blancfort, and Enrichement, in all from 47 to 48,000 pieces.

BERWICK was originally a Scotch town, and has never to this day been accounted any part of England; it has divers customs distinct from those of either kingdom, and is privileged as a place of liberty of itself; it was formerly the chief town of the Merse, or March, which is still called the shire of *Berwick*.

This country is very fruitful in corn and grass, with the former of which, and salmon, *Berwick* carries on a great commerce; as Duns (famous for the birth of John Duns Scotus) does by a weekly market for cattle and other things; so that it has the best trade in this country.

By *stat. 22 Edw. IV. cap. 8. sect. 1.* no merchandize shall be shipped in any creek or other place betwixt Tinnmouth and *Berwick*, but only in the port or haven of *Berwick*: and no person, saving the burgesses and freemen of *Berwick*, shall cause any salmon to be sold, which shall be taken in the water of the Tweed. And if any person offend contrary to the said ordinances, the said person shall forfeit all the said merchandize. And it shall be lawful to any of the king's subjects to seize all such merchandize so forfeited, containing the sum of the value of the said goods: the king to have one half of such merchandize forfeited, and money recovered; and the person which shall seize and pursue in form aforesaid, to have the other half.

Sect. 2. The merchants and freemen of the said town, may of the grace of the king, have to farm all waters royal, and fishing places, within the said town of *Berwick*, and feigniory of the same, paying for the same as much as any other person will do. And the same merchants and freemen may from henceforth enjoy to them, their heirs and successors for ever, all liberties and customs, which at any time before pertained to the said town. And they may ship all goods and merchandizes there, and carry them to what place they will, and there discharge, and recharge with corn or any other victual or merchandizes, and bring the same to *Berwick* for victualling thereof.

Sect. 3. This act shall not be prejudicial to the bishop of Durham in any thing belonging to him.

Stat. 1. cap. 28. An act for confirmation of the king's letters patent, dated at Westminster the 30th of April, anno 2 Jac. I. granted to the mayor, bailiffs, and burgesses of the borough of *Berwick upon Tweed*, and their successors; and of the franchises, privileges, and customs of the said borough.

By *stat. 20 Geo. II. cap. 42. sect. 3.* Wales and *Berwick upon Tweed* shall be included in all acts of parliament wherein the kingdom of England shall be mentioned.

BERYL, the name of a precious stone, though very much misapplied at present, our jewellers calling one of the brown crystals and also the finer cornelians by it; but it truly and properly belongs to a pellucid gem, of a bluish-green colour, which the ancients called by this name, and which they also sometimes used for it; though they generally call it the *aqua marina*, or, as they speak it, the egg, or eagle marine.

It is, when perfect and free from blemishes, a very beautiful stone, though of no great price at present. It is found, like most of the other gems, both in the pebble and columnar form, but in the latter most frequently. In the pebble form it usually appears of a roundish but flattish figure, and commonly is full of small flat faces irregularly disposed. Its most frequent size in this state is that of a small tare, and from this it is formed up to that of a pea, a horse-bean, and even a walnut. It is however much more frequent in the columnar, or crystalline form, in which it always consists of hexangular columns terminated by hexangular pyramids; these are found in clusters, ten or more usually together, in the fissures of the

the solid strata growing to the stones. It is ever regularly of a pale colour, formed of a mixture of blue and green; it never receives any other admixture of colour into it, nor loses any one of these, but it has its genuine tinge in all the degrees, from a very deep and dusky to the palest tinge imaginable, of the hue of sea-water.

The *beryl* in its most perfect state approaches to the hardness of the garnet, but it is often softer. Our jewellers in general tell us it is no harder than crystal, but this is owing to their own ignorance in not distinguishing between coloured crystals of this tinge, and true *beryls*. Bluish-green crystals are not uncommon in mines where there are copper and iron; and they are scarce less common under the name of *beryls*; and when they are genuine, they are greatly inferior, both in hardness and lustre, to the Oriental and Peruvian kinds.

The *beryl* loses its colour in a charcoal fire; it emits a thin and fine blue flame, and is rendered colourless and pellucid; but when thus divested of its colour, it has far less beauty than any of the other coloured gems treated in the same manner, and is indeed little superior to common crystal. As to its virtues, its colour being the same with that of sea-water, has led fanciful people to the advising it to be worn to prevent sickness: it is said to be an astringent; but crystal, in all probability, possesses the same virtues with it in this respect. Its colour is owing to an admixture of cupreous and ferrugineous particles, but they are in too small quantity to have any effect as medicines.

BES, an ancient Roman weight. It is two-thirds of an integer, generally of a pound.

BESISTAN, or BERSTEN. Thus at Constantinople, Adrianople, and in some other towns within the grand signior's dominions, they call those places where the merchants have their shops, and expose their merchandizes to sale. Each sort of merchants have their particular *besistan*, which must also be understood of the workmen, all those of the same trade working in the same place. These *besistans* are commonly large galleries, vaulted over, whose gates are shut every night. Sometimes the wardens and keepers of the *besistans* will answer for the merchandizes, on paying them a very moderate perquisite for each shop.

There are two *besistans* at Constantinople, the old and the new one.

The old one was built in the year 1461, under the reign of Mahomet II. There are but few fine merchandizes in it. Here they sell all sorts of weapons, especially sabres, as likewise horse-harness, indifferent enough, though some of it is enriched with silver, gold, and precious stones.

The new *besistan* is designed for all sorts of merchandizes, and yet one hardly sees there any thing but the finest and richest works; as plate, furs, vests, carpets, and stuffs of gold, silver, silk, and goat's-hair; nor are precious stones and porcelain, or China ware, wanting there.

This *besistan*, which is also called the great *besistan*, is a round building, all of free-stone. It has four gates, which are never opened but in the day-time. In the night a watch is locked up in it, for the security of the shops. Each branch of trade, or trading company, has a place assigned, out of which no person can sell, nor even expose to sale the same sorts of merchandizes. The English, French, and Dutch merchants, have their shops for drapery goods in this *besistan*.

Merchandizes are very safe in such places, the gates of which are always shut betimes. The Turkish merchants who have shops there, go and lie at their houses in the city: as for the Christians and the Jews, they retire in the evening beyond the water to the suburb Pera, and return the next morning. See BAZAR.

The *besistans* of Adrianople are very fine, especially that where the stuffs are sold, and that in which are the shoemakers shops.

BESORCH, a coin of tin, or of some alloyed metal, current at Ormus, at the rate of about seven forty-nine parts of a farthing sterling. Ten *besorchs* are worth one pays; four pays, one sondis; ten pays, one chay, about four pence farthing and half a farthing English; twenty pays one niamoudi, eight-pence three farthings English;

two mamoudis one abissis, or seventeen pence halfpenny; twenty-five pays make a larin; five larins a reale, or rix-dollar; and one hundred mamoudis a toman. They reckon at Ormus by tomans, as they do in Holland by pounds de gros.

BETEL, is a plant in great repute all over the East, especially in the Indies, where there is an incredible consumption and trade of it.

This plant, which is pretty much like the shrub that bears the pepper, is so weak, that it wants a prop to support it as it grows up. Its leaves are like those of ivy, but more tender, and are full of a red juice, which the people of the east imagine is very good to comfort the heart, to fasten the teeth, and to make the breath sweet and agreeable.

The Indians are continually eating, or rather chewing the leaves of this plant, with slices of the *areca-nut*. It is this that renders their lips so red, and their teeth of so black a colour, which it is well known they prefer before the whiteness of the teeth of the Europeans.

Monsieur Garcin asserts, that this is a mistake; the juice of the betel-leaves not being red: and it is the *areca-nut* alone, which, when chewed, renders the spittle red.

The trade of *betel-leaves* is very considerable. A great number of substantial merchants are concerned in it, who keep several ships to transport that drug almost all over the East, where it is so much in use, that both the great men and the common people, the rich and the poor, are never without their box of *betel*. They offer some of it to one another whenever they meet; and it is a ceremony established, as well among the men as among the women, to offer it to one another in all their visits; and they would look upon it as an affront, either not to be regaled with it, or to refuse it, when offered. What renders this trade easy, is the property which the *betel-leaves* have of keeping a great while good. See ARECA.

BETILLES, a thick sort of muslin, the finest resembling cambric, and the coarser being properly a kind of callico. The fine contain eight yards, others sixteen, and the coarse twenty yards in length. The breadths differ, and are from one yard to two.

BEVERLY BECK, and HULL. By 13 Geo. I. and 18 Geo. II. several small tolls and duties were laid on divers goods and merchandizes, which, after May 1st 1727, should be laden or unladed on or from any ship, boat, or other vessel, in any part of the said Beck, or at any public staiths, or other places along the said Beck, or river Hull, and payable to the mayor, aldermen, and capital burghesses of Beverly, and their successors, or to the person by them appointed, to be applied for the purposes in the act mentioned; and, since passing the said act, a considerable sum hath been borrowed on the tolls thereby granted; which, though applied with the income of the tolls and duties, according to the directions of the act, is insufficient to answer the intentions; and the Beck is now in great danger of being choaked, by the sludge and soil brought by tides, and earth falling in from the banks, which must be repaired and supported by piles and other works; and, as the cleaning, deepening, and preserving the said creek, and amending and maintaining the banks, staiths, roads, and ways, will require more money than can be raised by the present duties, which are, in many respects, unequal, and not duly proportioned to the value of goods; therefore, for better enabling the mayor, &c. of Beverly, to perform the things before mentioned, it is enacted, that after May 1st 1745, there shall be paid for the purposes aforesaid, by every master or other person, having the management of any ship, or other vessel, passing up or down the said Beck, or river Hull, to lade or unlade goods, at any part of the Beck, or public staiths, or at Gravel, or Beck-end, or between Figgan-clow, and the river Hull, or at any places along the said Beck or river, within the limits of Beverly, before unlading, or having laded, before they go out of the liberties aforesaid (over and above the tolls, payable by the former act) these additional duties, viz.

For every chaldron of coals, Winchester measure, 2d.

For every quarter of oats, barley, or malt, $\frac{1}{4}$.

For every quarter of wheat, rye, miseldine, beans, peas, rape-feed, lin-feed, or any other kind of seeds or grain, $\frac{1}{4}$.

For every hundred weight of flower $\frac{1}{4}$

4 L

For

For every hoghead of falt 4 d.
 For every ton of falt in bulk 2 d.
 For every three hogheads of fugar, tobacco, molasses,
 or other goods packed in hogheads, 8 d.
 For every four hogheads of wine or rum 1s. 8 d.
 For every hoghead of brandy, or other spirits 4 d.
 For every eight barrels of soap, rafins, oil, pitch, tar,
 or packed with other dry goods 4 d.
 For every butt of currants 8 d.
 For every two pipes of Smyrna rafins, 8 d.
 For every fifteen bags of nails 4 d.
 For every ton of iron or lead 8 d.
 For every thirty-two firkins of butter 4 d.
 For every twenty hundred weight of cheefe 7 d.
 For every ton of timber or ftone 2 d.
 For every two bags of hops 8 d.
 For every quarter of oatmeal $\frac{1}{2}$.
 For every hundred of pipe-ftaves 1 d. $\frac{1}{2}$.
 For every dozen of cinders or charcoal $\frac{1}{2}$.
 For every twenty fheep fkins $\frac{1}{4}$.
 For every quarter of bark $\frac{1}{4}$.
 For every pack of wool, or other goods, 1 d.
 For every twelve dozen of bottles 1 d.
 For every four bufhels of roots, or fruit, $\frac{1}{2}$.
 For every ton of hemp, lime, or flax, 7 d.
 For every quarter of ferne afhes 2 d.
 For every fmall runlet of liquor, not exceeding ten gal-
 lons, $\frac{1}{4}$.

For every fmall cask, or parcel, not exceeding 120
 pounds, $\frac{1}{4}$. and fo in proportion for a greater or lefs
 quantity, or weight of any of the above mentioned goods,
 &c.

And for every ton of any other fort of goods or ladings
 not mentioned, according to the cuftom of water tonnage,
 12 d. and fo in proportion for any greater or lefs quantity,
 except cobbles, or pebbles, for repairing cafeways in the
 town or liberties.

Which tolls and fums fhall be paid to the mayor, al-
 dermen, and capital burgeffes of *Beverley*, and their fuc-
 ceflors, or to a perfon by them appointed to receive them;
 and, after deducting the neceffary charges of obtaining this
 a $\mathfrak{c}$ t, be applied, with the duties granted by the former
 a $\mathfrak{c}$ t, to pay the debt, and cleanfe and preferve the *Beck*,
 and repair and keep up the banks, ftaiths, and roads, and
 to no other ufe.

The powers, provifos, penalties, &c. in the former a $\mathfrak{c}$ t
 contained, relating to the tolls thereby granted, and not
 hereby repealed or altered, fhall be in force from May 1.
 1745, and extend to the additional tolls, hereby granted,
 and to every perfon whom the fame, or this prefent a $\mathfrak{c}$ t,
 may concern.

In cafe any perfons, having management of any fhip or
 veflel, paffing up or down the river *Hull*, or the *Beck*, la-
 den or unladen, and who, by the former a $\mathfrak{c}$ t, is obliged
 to give in a true account in writing of the quantity of
 goods, or number of tons, with which he is laded, fhall
 give in a falfe account thereof, being convicted on oath
 before the mayor, or any two iuftices of the faid town,
 fhall forfeit twenty fhillings, &c. and fhall alfo pay the
 duties by the faid a $\mathfrak{c}$ ts made payable for all fuch goods as
 remain in fuch veflels, which he fhall not give an account
 of, or paid duty for; but fuch perfon fhall not be fubject
 to the forfeiture of twenty fhillings, unlefs his lading ex-
 ceed three tons more than he fhall have given an account
 of, or paid duty for.

The receiver, or collector, appointed by the mayor,
 &c. of *Beverley*, may enter into any fhip or veflel, which
 fhall pafs up or down the faid *Beck*, or river *Hull*, within
 the liberties aforefaid, and fearch, and take an account of
 the lading thereof, and for difcovering of any goods, &c.
 chargeable with thefe duties, and the quantities thereof;
 may open, bore, gauge, weigh, and meafure any thing laded
 in fuch veflel; and tafte liquor, meafure coals, and weigh or
 meafure other goods, finding proper weights, meafures,
 and inftruments for the purpofes aforefaid, and making
 fatisfaction for any lofs or damage done to goods thereby.
 And for the like difcovery, to meafure and mark the por-
 tage or tonnage of any veflel, ufually paffing within the
 faid liberties; and, if any mafter of fuch veflel, or other
 perfon, fhall hinder fuch collector, or other perfon, ap-
 pointed to enter fuch veflel, or to fearch, or take an ac-

count of the lading thereof, or of the forts or quantities of
 goods, by any means aforefaid, or to meafure or mark the
 portage, &c. the mafter or perfon fo offending fhall for-
 feit twenty fhillings, &c.

Nothing in this a $\mathfrak{c}$ t fhall take away or leffen duties,
 which before making this and the former a $\mathfrak{c}$ t, were pay-
 able to the mayor, &c. of *Beverley*, at the river *Hull*, or
Beverley-beck, or otherwife; but the fame fhall continue
 to be paid on all forts of goods and merchandizes as be-
 fore.

BEURT SCHEEPEN, or BEURT SCHUYTEN,
 which may be tranflated into Englifh, *turn-fhips*, or *turn-
 boats*. Thus they call at *Amfterdam*, thofe fhips that go
 to fea, or veflels or boats that fail only on rivers, or frefh
 water, and have the exclusive privilege to take in goods
 for feveral cities, both within and without the feven pro-
 vinces. They are thus called, becaufe every mafter of a
 veflel is obliged to load and put off in his turn, for the
 place for which it is bound, which is regulated and fettled
 by the directors of the company of boatfmen, or water-
 men.

The privileged places for the fhips are, for France,
 Rouen, and St. Valery; for England, London; for
 Germany, Hamburgh and Bremen. There are alfo fuch
 veflels for Middleburgh in Zealand; for moft of the towns
 in Brabant and Flanders; and for almoft all the cities in
 the feven provinces. This is extremely convenient for
 the merchants of *Amfterdam*, who have not merchandizes
 or goods enough to load a whole fhip or veflel, and who,
 by paying freight, as it is regulated by the ordonnances,
 have, by thefe veflels, an opportunity of fending to all
 thefe places as many or as few merchandizes as they pleafe.

Every one of thefe veflels or boats has its fixed place in
 one of the canals of the city, or in the harbour; and can-
 not fet off but in its turn, and when it is fully loaded.

When a merchant has merchandizes enough to load
 one or more of thefe fhips or veflels, for one of thofe pri-
 vileged places, he is at liberty to agree for the freight with
 the mafter of the fhip or veflel, without conforming him-
 felf to the regulations; and he may choofe fuch fhips, and
 fuch mafers, or boatfmen, as he pleafes, though it be not
 their turn to fet off; but he muft firft know from the fupe-
 riors of the company, whether they will permit it; be-
 caufe, in cafe the mafter or boatfman were not a burgher
 of *Amfterdam*, if another who was one fhould offer him-
 felf, the latter would be preferred.

Leave being given, the merchant who wants to load a
 veflel, ought firft to make his declaration to the commiffa-
 ries in the following form:

*Gentlemen, commiffaries of the navigators without the coun-
 try, I defire you to give leave to Mafter N. N. to load
 (for Rouen for inftance) on condition that he fhall take
 in no merchandizes but for me alone. At Amfterdam,
 the ————* E. J. P. R.

This declaration is given to the mafter or boatfman of
 the veflel which has been freighted, or which is defigned
 to be freighted; the mafter or boatfman carries it to the
 commiffaries, who thereupon deliver the permit or leave to
 him. In cafe of a refufal, which happens but feldom, the
 only remedy is to look for another mafter or boatfman,
 for whom the commiffaries may have more kindnefs or
 indulgence, it not being fafe to load without leave; for
 thefe gentlemen are very jealous of their privileges; be-
 fides that, they find fome profit, when the merchandizes
 pafs through their hands.

That the reader may have a more accurate notion of
 thofe turn-fhips, and turn-boats, or veflels, we fhall add
 here an extra $\mathfrak{c}$ t of the ordonnance of police, which has
 been made for the *beurt-fcheepers*, or turn-fhips, which are
 privileged for Rouen and for London.

*An ordonnance for thefe fhips which may fail by turns for
 Rouen and for London.*

1. No veflel which is in a condition to fail out of thefe
 countries, fhall load for the above mentioned ports but in
 its turn, and fuch veflels, whofe mafers are defirous to
 fail by turns, muft be well provided with anchors, cables,
 fails, &c. that the merchandizes may be tranfported dry
 and well conditioned: the whole at the difcretion of the
 fuperiors of the company of navigators out of the country,
 or of others who may be appointed to take cognizance of
 thefe matters.

2. Every other week two vessels shall be loaded for London, and every twenty days two vessels for Rouen.

3. Those for London shall come to the quay on the Monday, the one to remain there till the Saturday following, that is to say, six days; and the other to sail seven days after the departure of the first, that is to say, fourteen days after it shall have been put in turn.

4. The first of those for Rouen shall depart from the quay on the evening of the tenth day after its coming to it; and the other shall depart ten days after the first, that is to say, twenty days after it came to the quay.

5. The said vessels shall set sail the second day after their leaving the quay, and others shall come in their stead to observe the same order, under a penalty of twenty-five guilders for each master whose turn it shall be to come to the quay, and who shall neglect it.

6. In winter, those vessels shall have two days more to load, than in summer, that is to say, those for London, eight days, and those for Rouen, twelve. The summer shall be reckoned to begin on the first of March, and continue to the first of October: and the winter, from the first of October to the first of March.

7. The vessels, after departing from the quay, shall not load any merchandize, under the penalty of a fine of six guilders, for every parcel or piece loaded, and being deprived of their turn a whole year for the first time, and the same penalty and arbitrary punishment for the second.

8. In case the vessels, or one of them, get their full lading before the time limited, they shall be obliged to depart immediately from the quay, and another to be put to it directly, whose days of loading shall not begin to be reckoned from the day, on which the time of that which it succeeds, was to end.

9. It shall be lawful for such masters as shall have continued at the quay during this limited time, without being able to get their full loadings, to buy merchandizes for their own account, in order to complete their cargo; but this however ought not in the least to delay their departure, nor to prejudice the merchandizes already shipped, under the penalty of paying a fine of twenty-five guilders. Those masters, who shall thus have bought merchandizes, shall pay no freight for them to their partners, if they have any.

10. Two merchants or factors may freight a vessel in the city for either of the above mentioned ports, at such a price as they shall agree for with the master; but the master shall not load any other merchandizes, but those of the said masters or factors, under the same penalty as above.

11. The masters, whose turn it shall be to load, shall be obliged to take in, without distinction, all the merchandizes that shall be brought to their ships, even tho' they should have already promised to take in others: the first that arrives, ought to be the first loaded.

12. The masters who sail by turns, shall not undertake any voyage, nor serve as tender, during eight days before their turn comes; but shall be obliged to bring their vessels to the quay, four days before their time of loading begins, and place their vessel next to that to which they are to succeed, that they may help each other, under the penalty of fifty guilders fine, and losing their turn for a whole year. But in case a master, without any fault of his, cannot take his turn, the other masters shall draw lots, who shall take his place: and he on whom the lot falls, shall be obliged to take the other's place, under the penalty of twenty-five guilders fine, and losing his turn for a year.

13. The masters who shall have had their turn for Rouen, shall have it afterwards for London. Which is to be understood also of those who shall have had their turn for London, and who shall load afterwards for Rouen.

14. The two masters who shall come to the quay at the same time to load for London, shall divide their freight in common, which those for Rouen shall also do between themselves. And, for want of a good account in one of them, he who shall be guilty, shall pay a fine of fifty guilders, and lose his turn for three years.

15. The master of a vessel shall sail by turns, till he has been four years a burgher of Amsterdam.

16. Those vessels which shall be set to the quay together for loading, shall draw lots which shall sail first.

17. The masters of vessels, which shall sail by turns to Zealand, to Antwerp, or to other places between the lands, shall have no turn to sail to London or Rouen, unless they quit and renounce their turn of sailing to places between the lands.

18. The masters of vessels which shall sail by turns, shall be obliged to keep near their vessels from morning till night, except towards noon, when they shall have liberty to go to the exchange. And if any master, whilst his ship is loading, is found to do otherwise, or to drink in a public house, or elsewhere, he shall pay a fine of three guilders for every such offence.

19. The lords of the magistracy shall appoint a person to have the inspection over the quays, where those ships shall be, that are to sail by turns for London and Rouen, and to make them depart at the proper time.

20. One third part of the fines shall go to the lord, one third to the poor, and one third to the informer.

21. And, in order that the merchants may know what they are to depend upon for the payment of the freight of those vessels which shall sail by turns, the said lords have ordered by these presents, that such freight shall be paid according to the following tariff, or rate, the masters being at liberty to take less, but not more, under the penalty of paying a fine of twenty-five guilders, and losing their turn for a year.

22. If any merchandizes be shipped for Rouen or for London, the freight of which is not set down in the said tariff, if it be for Rouen, and the freight be found in the tariff of London, or on the contrary, if it be for London, and the freight be found in the tariff of Rouen, there shall be paid one third more.

Finally, the masters shall pay to the inspector, every time before their departure, namely, for vessels of above three lasts, three guilders, upon pain of paying double on their return.

Resolved the 19th of February, 1611.

This same ordonnance contains also an order, according to which the masters of those vessels which sail by turns for London and for Rouen, ought to regulate themselves with regard to the bigness or capacioufness of such vessels, in order to divide the freight between them.

A vessel from twenty-six to thirty-one lasts, is reckoned for thirty lasts; from thirty-one to thirty-six, for thirty-five; from thirty-six to forty-one, for forty; and from forty-one to forty-six and above, for forty-five lasts.

There are a great many such other ordonnances for the freight of ships sailing to Hamburg, Zealand, Flanders, and within the United Provinces. The ordonnance relating to Hamburg, which is dated the 27th of April, 1613, has this remarkable particular, That in its tariff there is a difference made between the freight in summer, and the freight in winter; as also between the freight paid from Amsterdam to Hamburg, and that from Hamburg to Amsterdam. The reader may see that tariff, and those for London and Rouen, in the *traité du negoce d'Amsterdam* (treatise of the trade of Amsterdam) published in the year 1722, by Monsr. S. P. Ricard. We shall only add here, with regard to these three tariffs, that, in that for Rouen, the merchandizes are rated in guilders, stivers, and pennings; in that for London, in pounds, shillings, and pence sterling; and in that for Hamburg, in marcs, sols, and pence lubs, with respect to ships sailing from Amsterdam; and in guilders and stivers, with respect to those returning thither. The French have always complained of these *beurt-scheepen*, for Dunkirk, St. Valery, and Rouen, and seem to be pretty well grounded in their complaints. For,

1. If there be a Frenchman who desires to load his ship, they make him wait till their Dutch vessels have sailed before him: whereupon it is to be observed, that every ship having a fortnights time to take in its loading, the Frenchman's turn is put off for six weeks.

2. That it is not lawful for the merchant, to whom the Frenchman is directed, to dispatch him himself before the limited time, tho' he should give him half his lading; for he cannot do it unless he gives him his full lading, which can never be the case; because from Holland they

they send into Picardy and Normandy nothing but fine merchandizes, excepting, however, pot-ashes, a sort of ashes which come from the Black-Sea, which often obliges the French to return empty, or to sail for some other port.

3. The directors of the *court*, or *turns*, know so well how to promote the advantage of their own nation, that within the interval of fourteen days, during which the Frenchman stays, to take in his cargo, there is scarce any thing left for him, the merchandizes which are to be shipped off being always kept for the Dutchman, whose turn comes after the Frenchman's.

Notwithstanding many general benefits attend these regulations, they are not without some inconveniencies; as vessels must thus be loaded by turns, and the freight of merchandizes always kept up at a pretty high rate: for it is observed, that a bale of pepper, or of other merchandize, pays, from Amsterdam to Rouen, twice or thrice as much as from Amsterdam to Bayonne, and that for no other reason, but because ships are loaded by turns for Rouen, and not for Bayonne; which cannot but proportionally raise the price of merchandizes coming from Holland, and imported into France by Picardy and Normandy.

BEZESTIN. See BESIZSTAN.

BEZOAR, in a general sense, signifies an antidote, or medicine, intended to prevent the fatal effects of poison.

But it is now particularly appropriated to that species of stone found in the stomach of several animals.

The word is formed from the Persian word *badzcher*, or *bazcher*, which in that language signifies an antidote.

There are several sorts of *bezoar*; but the most famous is that brought from the East-Indies, called

Oriental Bezoar. This is a drug of very great price and great fame, but not of the number of those things that have been proved to deserve the repute they stand in. It is a moderately hard and heavy stone, very variable and uncertain in size, shape, and colour. It is frequently roundish or oval, and, in general, its size is between that of a horse bean and that of small wallnuts, though there are some smaller than peas, and others much larger than those mentioned here; but the latter are rare. Many of them, instead of being round or roundish, are oblong; some are flattened, and others irregularly undulated, gibbous, or hollowed. The most useful, and most esteemed colour, is a dusky olive or greenish brown; but there are some grey, some whitish, and some of a brownish yellow.

It is always smooth and glazing on the surface, and when broken is found to be composed of a great number of crusts or coats of stony matter, laid one over another, and often formed upon a piece of a stick, or seed of a fruit, or some such thing, for a nucleus or basis.

Bezoar is brought to us from many parts of Persia and the East-Indies. It is to be chosen intire, not in scraps or fragments, of a greenish or olive colour, with some admixture of grey in it; and such as, when rubbed on a paper previously whitened with cerufs, gives a yellowish colour. There is no drug in which the purchaser is more likely to be cheated, than in *bezoar*, unless he be very careful. Its great price has taught many people to counterfeit it; they seldom, indeed, make up such stones, as when examined entire, and then broken and reviewed with care, will pass upon a tolerable judge; but they frequently increase the quantity of the fragments of *bezoar* with pieces of stones thus made.

The *oriental bezoar*, so much valued by us, is like the pearl, a distemper in the animal that produces it. It is a concretion of stoney matter in the stomach of a quadruped of the goat class, described by Aldrovandus, Johnson, and others, under the name of *caper bezoartius*, and *hircus bezoarticus*, and by Ray, under that of *gazella Indica cornubus reftis longissimis nigris prope caput tantum annulatis*.

It is of the size of one of our common deer, and its coat of hair is of a greyish colour, with a cast of reddish brown, somewhat longer than that of our deer, but shorter than that of our common goat. The head is much of the shape of that of the goat. The horns are near three feet in length when the creature is full grown; they are straight, and in that part which is near their insertion on the head, they are annulated, or marked with circular risings; all the other part is black, smooth, and glossy. The tail is near a foot in length, and is covered with hair of the same colour with that of the rest of the body, but

considerably longer. The legs are very strong, and are covered with a short hair. The creature is very nimble, and runs about upon the rocks in the manner of our goat. The horns of this creature are frequently in the museums of the curious.

There are found from one to five or six of these stones in the stomach of a single animal. Many of the species are, indeed, wholly without them, and others of them have more than the number just mentioned. Those which have a considerable number of them, or that have but one large one, are easily known by their being emaciated, and less sprightly than the others.

Great things have been said of the medicinal virtues of these stones, as a cordial, fudorific, and alexipharmic. But at present, though it holds its rank in the common opinion, physicians never prescribe it singly, and even the famous *pulvis e chelis cancerorum compositus*, or *Gascoigne's powder*, as it is usually called, is more used by the good women than by physicians; and when prescribed by them, it seems rather given as an alkaline absorbent, than a cordial.

Occidental Bezoar. This is brought to us from Mexico and Peru, and from some other parts of America. The creature in whose stomach this *bezoar* is found, is one of the bisulcous quadrupeds with deciduous horns, and is enumerated by Mr. Ray among the deer kind. It is described by Hermaudez under the name of *mazarua seu cervus*, and by Johnson, under that of *capreolus marinus*.

The *occidental bezoar* is said to possess all the virtues of the *oriental*, but in a more remiss degree, and therefore, that it requires to be given in a larger dose. It is by no means qualified to answer the purposes of the oriental kind to our apothecaries; the principal of which is, the giving the fine yellowish green colour to *Gascoigne's powder*.

Monkey Bezoar. This is a rare and valuable stone: the great virtues ascribed to it have set it at so high a price, that the possessors of *oriental bezoars*, that resemble it in colour, have often pretended to call them by this name; but the genuine stone has been seldom seen, except in the cabinets of two or three virtuosi, and in the hands of some of the princes of the country where it is produced.

The animal in whose stomach this precious stone is found, is a species of monkey, common to the East-Indies, and to America, and is described by Margrave under the name of *Guaribe*. It is frequent in the Brasils, in the island of Madagascar, and in Borneo: great numbers of them are killed in hopes of *bezoars*, but it is very rare to find a stone in them.

Porcupine Bezoar. This was originally called *præro del porco*, the *hog-stone*, from an opinion that it was taken from some of the swine kind; and the *Malacca stone*, from the kingdom of Malacca, whence it was usually brought. It is, however, certain, that they are always taken out of the porcupine, and that none were ever found in the swine-kind. They are produced, not in the stomach as the other *bezoars*, but in the gall-bladder of the porcupine, and are properly no other than gall-stones, such as we find in the gall-bladders of oxen and other creatures, only differing in colour, this not being of a greenish colour, but yellow or brownish.

The Indians have from time immemorial been fond of this stone, as a remedy against an epidemical disease in that part of the world, arising from a distempered bile; they also esteem it a sort of universal remedy, and give it against poison, and in malignant fevers. The Europeans have been taught by the Portuguese to look upon it as a good medicine in the small pox, and in malignant fevers; but with how much reason we are not able to determine, till the stone is more common.

German Bezoar. This is a stone found in the stomach of an animal of the goat-kind, and is described by all authors who have treated of animals, under the name of the *rupicapra*, or *chamois*.

The name *bezoar* has been applied to these stones, partly from their being found in the stomach of the animal, but more from their virtues, which are pretended to equal, if not excel, the *oriental bezoar*. They are said to be a powerful medicine in malignant fevers, and in the plague, and have the credit of resisting poisons. They are in use in the German shops, but in ours they are scarce known.

All the *bezoars*, when thrown into the fire, emit a resinous smell, and pretty readily calcine. The *occidental* *bezoar*,

bezoar, distilled in a retort, yields a very small portion of an insipid phlegm; a yet smaller of a phlegm tinged brownish, and loaded with an alkaline salt; a small quantity of volatile salt in a concreted form, and a little thick and foetid brownish oil. The *German bezoar* yields less volatile salt, but more phlegm and more oil; the others are too expensive for experiments. Upon the whole, there must be some virtues allowed to bodies which contain these active principles; but they are in so small a quantity, and so locked up in the stony matter, that it does not appear that they can deserve more than part of the praises that have been bestowed on them.

Ox BEZOAR, otherwise called *gall-stone*, is a yellowish stone, found in the ox's gall-bladder. The physicians use it sometimes in medicine, and the painters in miniature, employing it in several casts of yellow.

BEZOARDICUM joviale, a greyish powder, prepared from regulus of antimony and tin, mixed with mercury sublimate, and distilled in a retort. Then the butter distilled from it is fixed with spirit of nitre, by three distillations. It is afterwards calcined, and when ignited, extinguished in spirit of wine, and then dried.

This is a strong diaphoretic, and of singular efficacy in disorders of the womb; as also in fevers, the plague, and scurvy.

BEZOARDICUM lunare. This is prepared of silver dissolved in spirit of nitre, and butter of antimony, by proceeding in the same manner as in the preparation of *bezoar joviale*.

This medicine is reckoned a specific in epilepsies, convulsions, megrims, and apoplexies. It is anodyne, sudorific, and of singular efficacy in curing the erysipelas.

BEZOARDICUM martiale, is prepared of the crocus of mars, dissolved with butter of antimony, fixed as above in the *bezoardicum joviale*.

This medicine powerfully stops hepatic and other fluxes, and strengthens the viscera.

BEZOARDICUM minerale. This is a proportion of butter of antimony corrected with spirit of nitre. Then the matter is powdered, and calcined in a crucible, after which it is edulcorated by washing, and spirit of wine burnt on it three or four times.

It is said to eradicate leprosy, and the most obstinate cases of that kind, if rightly managed. Some account it a restiter of poisons, and commend it in particular distempers.

BIA. Thus the Siamese call those small white shells which come from the Maldives, and which are called *coris*, or *cowries*, almost throughout the East-Indies, where they serve for small coin, or money. They are also current in several parts of the African coast.

BICHET, a measure in France for dry goods, differing in quantity in several provinces; it being in some equal to thirteen, and in others to nineteen bushels, Winchester measure.

BIDON, a liquid measure, containing about five pints of Paris, that is, about five quarts English wine measure. It is seldom used but among ships crews. The wine designed for every mess of the sailors is put into a *bidon*, which is a kind of wooden casks, bound with flat iron hoops.

BIENNE, a town of Switzerland, situated at some distance above the lake of this name, between Soleurre and Neufchatel, dependant on the bishop of Basil, carries on a great trade in deal boards, commonly twenty-two or twenty-four feet long, as also in other wood for buildings; here are also made variety of ribbons and ferrets, and it has good tanneries, and fine earth for delft ware.

BIGONTIA in Italian, *bigon* in French, a liquid measure used at Venice. It is the fourth part of the amphora, and one half of the botté. Four quarts, or quartons, make a *bigot*, and four tischanfera a quart. See *VENICE* for the measures reduced to the English standard.

BIGORRE, the fourth division of the principality of Gascony in France, is situated almost entirely in the Pyrenean mountains, which separate it from Arragon on the south; on the east it is bounded by Couserans and Comminges; on the north by the mountains of Armagnac; and, on the west, by Berne. The mountains here are said to have mines of copper, but they are not wrought.

Barbe, or *Travia*, is situated in a fruitful plain, on the banks of the river Adour, twelve leagues distant from Auch to the south, and six from Pau to the east.

Bangeres is a city remarkable for its several baths, within this city and its neighbourhood, to which people resort twice a year, viz. in the spring, and in autumn.

Barege is a village also remarkable for its baths, and a great resort of company. There are three or four baths, of different degrees of heat. The first is called the great bath, and consists of two springs of clear water, the smell whereof is like that of the mud of the sea, and is very hot.

When you expose silver and copper over the steam of this bath, the silver becomes immediately red, and then black, as the copper also does. The alteration is quicker still, when you plunge these metals into the water, whether it be at the spring, or even when the water is cold, and taken the day before.

The water of the second bath is of the same nature, but not quite so hot, because the pipe through which it is carried into the common reservoir, is longer than that through which the water of the great bath runs, and is made of marble; whereas the other is of iron. The water of the third is less hot still; and that of the fourth, called the round bath, is but luke-warm, and very much weakened by the admixture of water from some cold springs. These baths are reckoned very good for the cure of rheumatic pains, and other distempers.

BIIS, both a weight and measure, used on the coast of Coromandel in the East-Indies. It is the eighth of the maun, containing five ceers, and one ceer twenty-four tols. See *MAUN*.

BILAPATAM, on the Malabar coast, is a city of Cananor, where the greatest pepper-trade is carried on; it is large, and inhabited by rich Mahometan merchants, being seated on a small river, three miles from the sea. The English have a settlement here, and load a chief part of the pepper they send to Europe.

BILEDULGERID, a territory in Africa. This country is said by geographers to derive its name from the Arabic, *Biled-el-gerid*, which signifies the land of dates, it abounding with that kind of fruit more than any other part of that quarter of the world; inasmuch, that it can furnish most of the neighbouring kingdoms with it, in exchange for wheat, which grows here in very small quantities. It is bounded on the east by a ridge of high mountains, which parts it from the kingdom of Tripoli, and part of Gadamis; on the south by the province of Verghela, and on the west by the countries of Zeb and Mezeb, and part of the kingdom of Algiers.

The whole country is very mountainous, sandy, and barren, producing little sustenance, excepting prodigious quantities of dates, as before intimated, some parts of it being covered with large thick woods of palm-trees, from which that fruit is gathered. The climate is hot and unhealthy, and the people lean, and of a swarthy and shrivelled complexion; their eyes are very much hurt by the east wind, which drives the hot sand into them, and is sometimes so violent, as to bury them under it by whole herds. They are mostly a mixture of ancient Africans and wild Arabs; the former living in some kind of cities or towns; the latter in tents, and ranging from place to place for food and plunder. The Arabs, who esteem themselves of the most noble race of the two, are in some manner independent, and will hire themselves into the service of the neighbouring princes that are at war. The rest either follow the plundering or hunting trade, which last is one of their noblest diversions, especially that of ostriches, which is said to be here as high as a man on horse-back. They eat their flesh, barter their feathers for corn, pulse, or other things they want, use their hearts in their conjuring tricks, their fat or oil as a medicine, make pendants for their ears of their talons, and turn their skins into knapsacks. Their common food, besides the dates above-mentioned, is the flesh of these ostriches, and of their goats and camels; and their drink is either the thin liquor or broth in which that flesh is boiled, or the milk of their camels, for they seldom drink any water, the little they have of it being neither

wholefome nor pleafant; but in moft parts they labour much under the want of it. They have fome horfes, which they ufe in their hunting, and thievifh exploits; in both which, thofe of the better fort are attended by their black flaves, and the reft by their obfequious wives, who look after them and their horfes, and perform all the moft flavifh fervices about them. Some fchools they have, to which they fend their boys, who, if they prove proficients in that kind of learning they are taught, are commonly raifed to the dignities of judges or priefts, or more properly conjurers or juglers; for they ufe a great deal of that fuperftitious trafh. Some few among them give themfelves to trades, but the generality defpife it as below them; and where any of them think it worth their while to till the land, which is but rarely done, they commonly leave it to their wives and flaves. Some of them wander from one end of their country to the other, with their herds of cattle.

Toufara, or *Tewzar*, is a town or colony, near the frontiers of Tunis, in latitude 32 deg. 28 min. and eaft longitude 10 deg. 26 min. Marmol places it in Numidia, and Monf. de Lifle in *Biledulgerid*. The town is parted by the river; one fide of it is inhabited by the ancient Africans, and the other by the Arabs. Here are held feveral fairs, to which all the countries refort to purchafe what they have occafion for; and the people are pretty wealthy, both in money and dates.

Capfa, the other colony in *Biledulgerid*, in the latitude 33 deg. 15 min. and eaft longitude 9 deg. 3 min. was formerly, according to Marmol, very populous, and had fome ftately mosques and other ftructures, and handsome ftreets; but fince was inhabited only by poor people, whom the oppreffion of the Tunis government would fcarce fuffer to live. In the heart of the city is an inclofed fountain, whose water is hot, and ferves equally for bathing and drinking, when it is cool. The territory about it abounds in palm, citron, olive, and other fruit-trees; but the climate and inhabitants are very unhealthy, which makes them peevifh and churlifh to ftrangers: which, together with their want of commerce, gives them a rank little above the pitch of the brute creation.

BILL, is diverfly ufed. In law-proceedings, it is a declaration in writing, expreffing either the wrong the complainant hath fuffered by the party complained of, or elfe fome offences committed againft the law or ftatutes of the realm: and this bill is fometimes addreffed to the lord chancellor of England, efpecially for unconfcionable wrongs done to the complainant; and fometimes to others having jurifdiction, according as the law direfts. It contains the fact complained of, the damage thereby fuftained, and petition of procefs againft the defendant for redrefs; and it is made ufe of, as well in criminal, as civil matters. In criminal cafes, when a grand jury, upon a prefentment or indictment, find the fame to be true, they indorse on it *billa vera*; and thereupon the offender is faid to ftand indicted of the crime, and is bound to make answer unto it: and if the crime touch the life of the perfon indicted, it is then referred to the jury of life and death, viz. the petty jury, by whom, if he be found guilty, then he fhall ftand convicted of the crime, and is by the judge condemned to death. *Termes de la ley* 86. 3 *Inftit.* 30.

Bill is alfo a common engagement for money given by one man to another; and is fometimes with a penalty, called *penal bill*; and fometimes without a penalty, though the latter is moft frequently ufed. By a *bill* we ordinarily underftand a fingle bond, without a condition; and it was formerly all one with an obligation, fave only its being called a *bill* when in Englifh, and an *obligation* when in Latin. *Wefl. Symbol. lib. 2. fec. 146*. A *bill* has been defined to be a writing, wherein one man is bound to another to pay a fum of money on a day that is future, or prefently on demand, according to the agreement of the parties at the times it is entered into, and the dealings between them: and it is divided into feveral forts, as a *bill* that is *fingle*, a *bill* that is *penal*, &c. Where there is a bill of a hundred pounds to be paid on demand, it is a duty prefently, and there needs no actual demand. *Cro. Eliz.* 548. And a fingle obligation or *bill*, upon the fealing and delivery, is *debitum in præfenti*, though *folvendum*

in futuro. On a collateral promife to pay money on demand, there muft be a fpecial demand; but between the parties it is a debt, and faid to be fufficiently demanded by the action: it is otherwife where the money is to be paid to a third perfon; or where there is a penalty. 3 *Keb.* 176. If a perfon acknowledge himfelf by *bill* obligatory to be indebted to another in the fum of fifty pounds, and by the fame *bill* bind him and his heirs in a hundred pounds, and fays not to whom he is bound, it fhall be intended he is bound to the perfon to whom the *bill* is made. *Roll. Abr.* 148. A *bill* obligatory written in a book, with the parties hand and feal to it, is good. *Cro. Eliz.* 613. And if a man make a *bill* thus: "I do owe, and promife to pay, to A. B. fifty pounds, &c. for payment thereof, I bind myfelf to C. D. &c." another perfon; it is good by the words of the firft part, and words obligatory to another perfon are void. A man fays by his deed: "Memorandum, That I, A. B. have received of C. D. the fum of twenty pounds, which I promife to pay to E. F. In witnefs whereof I have hereunto fet my feal, &c." Or if the *bill* be, "I fhall pay to C. D. In witnefs, &c." and be fealed: or if it runs as follows, "I owe to C. D. twenty pounds, to be paid at, &c." or, "I had of C. D. twenty pounds, to be paid him again:" or, "I, A. B. do bind myfelf to C. D. that he fhall receive twenty pounds, &c." All thefe are faid to be obligatory. 2 *Roll.* 146. 22 *Edw. IV. c. 22.*

Form of a fingle bill for money.

"Know all men by thefe prefents, That I, A. B. of &c. do owe and am indebted to C. D. of, &c. the fum of fifty pounds of lawful money of Great-Britain, which I promife to pay unto the faid C. D. his executors, administrators, and affigns, at and upon the firft day of October next enfuing the date of thefe prefents. In witnefs whereof, I have hereunto fet my hand and feal the day of in the year of our Lord 1766."

A penal bill for money.

Know all men by thefe prefents, That I, A. B. of, &c. do owe unto C. D. of, &c. the fum of one hundred pounds, of lawful money of Great Britain, to be paid unto the faid C. D. his executors, administrators, or affigns, on, &c. next enfuing the date hereof: for which payment well and truly to be made, I bind myfelf, my heirs, executors, and administrators, to the faid C. D. his executors, administrators, and affigns, in two hundred pounds of like lawful money firmly, by thefe prefents. In witnefs, &c.

Bank-BILLS, are notes, or instruments, which intitle a private perfon to part of the bank-ftock.

BILL of Credit. See **LETTERS of CREDIT** under the article of **BILLS of EXCHANGE**.

BILL of Entry, is an account of the goods and merchandizes entered at the Custom-houfe, both inwards and outwards, in which is expreffed the merchant exporting or importing, the quantity of merchandize, and the divers fpecies thereof, and whither tranfported, or from whence.

When foreign goods are imported, the mafter of the veffel, upon his arrival, muft go to the Custom-houfe, and muft report his cargo upon oath*. The merchant may enter and land his goods at any time within twenty days, from the day of the mafter's report: to do which in the moft advantageous manner, he muft write and fign five *bills* of entry; one whereof muft be in words at length, and is called the warrant; the other four may be in figures †.

* *The form of a REPORT INWARDS is thus:*

[Fee, 1 s. for the deputies, whether the report be made by Englifh or foreigners: nothing more due to the collector, or any other officer.]

INWARDS,
PORT of { In the fhip of
 { built, property all about tons, with
 { men, of which men, and
 { besides a man mafter
for this prefent voyage from in I do

I do swear that the entry above-written, now tendered and subscribed by me, is a just report of the name of my ship, its burden, built, property, number and country of mariners, the present master, and voyage; and that it doth further contain a true account of my lading, with the particular marks, numbers, quantity, quality, and consignment of all the goods and merchandizes in my said ship, to the best of my knowledge: and that I have not broken bulk, or delivered any goods out of my said ship, since her lading in.

So help me God.

Sworn before us the { Collector,
day of { Comptroller.

† An INWARD ENTRY.

Fee, 8d. [For writing these entries there is charged at some of the out-ports, for the collector, sometimes 6d. sometimes 2s. which the merchant saves, if he writes them himself.]

March 6, 1766.

In the Dolphin, B. B. John Carr, master, from Rotterdam.

JAMES HILL British.

8000 pantiles.

10 matts, containing 30 C. weight of rough flax.

These five bills the merchant delivers to the collector, or his clerk, who will compute the duties, which must be paid before the goods are landed. The duties being paid, the warrant is duly perfected, signed, and delivered to the land-waiters, appointed to attend the delivery, together with blue books, wherein an account of the delivery is to be entered. The goods are then landed, examined, and the quantities taken. If the merchant is found to have entered short, he must pass post-entries, and pay the duties for the quantities short entered; but if, upon delivery, an over-entry appears, the merchant may apply to the collector, to have his entries altered, and the overplus duly repaid; which may be done, if he applies, before the collector and comptroller have posted the entry in the king's books, upon his making satisfactory proof that no fraud was committed: but, if the entry be posted before he applies, then the duty must be repaid by certificate of over-entry.

It sometimes happens, that goods are sent by merchants to sell by commission, and arrive before the invoice. In this, and such like cases, when the merchant cannot make any tolerable conjecture at the quantities, and perhaps knows not the species, or proper denomination of the goods, the law permits the goods to be landed by bills of light or view*. The merchant makes a deposit, in the hands of the collector, of as much money as the duties are imagined to amount to, or rather more: then the bill of light is made out, and given to the proper officers; who must examine and take the quantity of the goods, and make their report to the collector the next day, or render themselves liable to the penalty of one hundred pounds in case of failure. According to the report the entries are passed, and the duties paid, in the same manner as they would have been, had there been no occasion for a bill of light. If the officers cannot go through the examination in one day, they must report their day's work to the collector, as being in part of the light, for which the merchant must pass entries, and pay duty, and so proceed till the whole bill of light is completed.

* A BILL of SIGHT.

[One shilling or two shillings.]

March 6, 1766.

In the Nereid, B. B. James Wood, from Bremen.

RICHARD FONNEREAU, British.

Two bales of merchandize, quantity and quality unknown. Richard Fonnerneau maketh oath, that he hath received no invoice, or other account, whereby to ascertain the quantity and quality of the above merchandize.

R. F.

Sworn before the collector.

Forty pounds being deposited in our hands for the duties of the above merchandize, you may permit the bales to be landed to your view and examination; endorsing the contents thereon, and returning this warrant in due time to us.

To the surveyor and land-waiters { Collector,
Comptroller.

Goods not rated in the book of rates are often imported; in which case, the duties are to be charged according to the value of the goods upon oath, by which value is to be understood the value at the port of importation at that time, exclusive of the duty. The merchant is to observe, that, if he undervalues his goods, the law impowers the officers to take and sell them; and after repaying him the duties, according to the value he set upon them, together with the said value, and also ten per cent. thereof, the surplus, if any, is to be applied to the sinking fund: so that merchants are to govern themselves accordingly, to avoid the consequences of undervaluation.

When you intend to export goods to foreign parts, write four bills of entry, in the form below ‡. Go to the Custom-house, and deliver them to the collector, or his clerk. The duties, if any due, will be computed, and demanded; upon payment, a cocket [see the form ||] certifying the payment of duty, or the regular entry of the goods, if not liable to duty, will be delivered to you, which keep till you intend to ship the goods. Before shipping, deliver the cocket to the searcher, and give him notice of the time when you intend to ship them; for no goods are to be landed or shipped but in the presence of a proper officer. The searcher will attend and examine, and count, weigh, or measure the goods; which done, they are put on board, and the searcher certifies the quantity shipped on the back of the cocket, which is then returned to the principal officers with whom it remains till the master comes to clear. When the master comes, the cockets for all the goods on board are collected, and entered in what is called a report outwards [see the form below *] upon the masters declaring the said cockets to contain a true account of his whole cargo. To this report, the master makes oath before the collector and comptroller, and paying his clearing charge, his cockets are delivered, and he is at liberty to proceed on his voyage.

‡ The form of an OUTWARD ENTRY.

[Sometimes 6d. sometimes 1s. is charged for the collector, for writing these entries, which the merchant saves by writing them himself.]

March 10, 1766.

In the Swift, B. B. Thomas Hall, master, for Dort, J. L.

JOHN LONG.

Nº 1, to 3. 80 chalders of coals.

400 pieces, containing 380 C. weight of lead.
3 bales, containing 50 pieces of baize.

|| The form of an OVER-SEA COCKET.

[Three shillings and sixpence.]

Port of } Know ye, that John Long, hath here
Sunderland. } paid his majesty's over-sea duty for 80 chalders of coals, and 400 pieces, containing 380 C. weight of lead; and hath also entered free three bales, containing 50 pieces of baize, in the Swift of Stockton, Thomas Hall, master, for Dort.

Dated at the Custom-house
this 10th of March, 1766:

Collector,
Comptroller.

* The form of a REPORT OUTWARDS.

[Deputies fees, 2s. 6d. for a British man, and 3s. 4d. for a foreigner; nothing more due to the collector, or any other officer.]

OUTWARDS,

PORT of	{ In the ship	of		
	{ built, property all		about	tons
with	men of which			men
and		besides a man	master for this	
present voyage to		in		I do

I do swear that the entry above-written, now tendered and subscribed by me, is a just report of the name of my ship, its burden, built, property, number and country of mariners, the present master, and voyage: and that it further contains a true account of my lading, with the particular marks, numbers, quantity, quality, and property, of all the goods and merchandizes in my said ship, to the best of my knowledge or belief: and that I will not suffer to be re-landed, in any part of Great-Britain, any certificate goods which I have on board, nor take in any more goods for this present voyage, without duly entering and adding the same to this report.

So help me God.

Sworn before us the } Collector,
day of } Comptroller.

The articles of goods exported, which are liable to duty, or intitled to bounty, are but few; and the quantities are determined either by number, weight, or dry measure: as, therefore, the manner of ascertaining the quantities must be very plain and evident, it is needless to say any thing on that subject; only let it be noted, that, when merchants make just entries of their goods, they are to be at no charge, in the opening, examining, weighing, measuring, or repacking the goods; all which are to be done at the officers charge.

BILLS of Exchange. The original traffic of mankind, by way of barter, becoming troublesome, necessity led them to the invention of some more easy manner of continuing their commerce; and nothing being found so commodious a medium as money, this was many ages since adapted to carry on their trade, first by the Hebrews, then by the Romans, and since continued and increased by almost every civilized nation; and for a still greater conveniency of foreign trade, they made coins of the most valuable metals, that might answer the intention of an easy carriage, by being less bulky and heavy than baser ones; and this method being generally approved of and practised by most trading people, they by degrees fell into an improvement even of this, and substituted remittances and exchanges by *bills*, to save the expence, risque, and trouble, which the portage of money from one kingdom to another occasioned. The Jews banished France in the reign of Philip August and Philip de Long, are supposed by some to have been the original inventors of it; whilst others, with a greater appearance of probability, assign the contrivance to the Gibelins, on their being expelled Italy by the faction of the Guelphs; though the motives given for both are the same, viz. their endeavours to withdraw their absconded effects with the secrecy necessary to prevent their confiscation; and to this purpose they gave *bills* on their private friends to foreign merchants for the sum agreed on, and these were regulated by the different value of the coins exchanged; and as many of these *bills* came back unpaid, it gave birth to the charge of re-exchange, first begun by the aforesaid Lombards, and these, after different modifications, fixed it into a branch of business: they retired, on their first expulsion from Italy, to Lyons in France, and from thence spread themselves into many other trading cities of that and other kingdoms in Europe; and there is still a street in Paris bearing their name, from its having been a quarter where the greatest part of them resided, for carrying on their banking business; and it is owing to the same reason, and to perpetuate the memory of the great business exercised there by these people, and by them taught the Dutch, that the place where the exchange stands at Amsterdam, was at first and still continues to be called after them (as does the street here in London from the same motive) so that it was these people who first sowed the seeds of these negotiations in the minds of the Belgick merchants, who duly cultivated and spread them all over Europe, for the easier conducting mercantile affairs, and, at the same time, to prevent the exportation of their current coin in lieu of these paper ones, if we may so term them; and this being found so beneficial and advantageous to trading kingdoms, as to merit and engage the protection of several princes for its encouragement and increase; among which, some of our former kings made several regulations con-

cerning it; Edward III. caused certain tables to be set up at Dover and other parts of the realm, declaring the value of the sundry species of coins current in the countries trading with his subjects, and the allowance merchants were to give to be accommodated with remittances, as may be seen in the many good laws of his reign. These tables and exchanges were subject to the direction of the king's mint-master, who made them *par pro pari*, or value for value, with a reasonable allowance to those who were appointed to interfere as exchangers, for their trouble; and many acts have been passed since by succeeding princes concerning them.

Nature and distinction of bills of exchange.

But as commerce varied, so did exchanges too, though they were generally reduced to four, viz. *cambio commune*, *cambio real*, *cambio secco*, and *cambio fictitio*.

Cambio commune, in England, was that which was constituted by the several kings, who having received monies in England, would remit by exchange the like sums to be paid in another kingdom, according to the regulation of the above-mentioned tables.

Cambio real, was when monies were paid to the exchanger, and *bills* were drawn without naming the species, but according to the value of the several coins, and indeed was no more than the payment of money here in England, with a proviso to be repaid the just value in specie in another country, according to the price agreed on between the exchanger and deliverer, to allow or pay for the exchange of the money and the loss of time.

Cambio secco, or dry exchange, is when a merchant hath occasion for five hundred pounds for a certain time, and would willingly pay interest for the same; but the usurious lender being desirous to take more than the statute allows, and yet willing to avoid its penalty, offers the five thousand pounds by exchange for Cadiz, whereunto the merchant agrees; but having no correspondence there, the lender desires him to draw his *bill* on the said place, payable at double or treble usance, by any feigned person, as the exchange shall then govern, with which the merchant complies; and on receipt of the *bill*, the banker pays the money, and remits the *bill* to some friend of his at Cadiz to procure a protest there for non-acceptance, the charge of which, with the exchange and interest, the merchant is to pay his creditor; and these expences formerly were very considerable.

Cambio fictitio, is when a merchant hath occasion for goods, but cannot well spare money for their payment; and the owner of them, to secure his advantage, and avoid the penalty of the law, acts as the usurer in the former case, and obliges the buyer to defray the expences of re-exchange, &c.

These two last methods of raising money for the necessities, were prohibited by an act of parliament in the 3d and 4th of Henry VII. but on account of the base monies coined by Henry VIII. at the siege of Bologne, exchanges were discontinued, and the aforesaid pressures and abuses became again current in the reign of Edw. VI. which occasioned all exchanges to be prohibited for a short time; but this being found of great inconvenience and detriment to trade, it was again restored; though almost quite neglected, and the illegal part of it connived at, in the succeeding reign of queen Mary.

The just and true exchange for monies that is at this day used both in England and other countries (by *bills*) is *par pro pari*, or value for value; and so the English exchange is grounded on the weight and fineness of our own money, and the weight and fineness of those of each other country, according to their several standards, proportionable in their valuation, which being truly and justly made, ascertains and reduces the price of exchange to a sum certain for the exchange of monies to any nation or country whatsoever.

As money is the common measure of things between man and man within the realm, so is exchange between merchant and merchant within and without the realm; the which is properly made by *bills* when money is delivered simply here in England, and *bills* received for the repayment of the same in some other country, either within or without the realm, at a price certain, and

agreed

agreed upon between the merchant and the deliverer; for there is not at this day any peculiar or proper money to be found in specie whereupon outland exchanges can be grounded, therefore all foreign coins are called imaginary.

Having thus far premised and shewn the original and nature of exchanges, we shall descend to particulars, and endeavour in the clearest manner we can to inform our readers of every circumstance necessary to be known in the circulation of bills; all steps to be taken towards their recovery, their form, current courses, and laws about them, both here and in every other part of Europe; that this nice branch of commerce may be rendered more intelligible, and be better understood than it commonly is, or can be, except duly explained: as customs in their formation, times of running, and falling due, days of grace, &c. are almost as various as every one European nation is from another; and as we consider this to be the most intricate part of mercantile literature, we shall be as extensive in our sentiments and quotations about it, as the nature of the thing requires, without fearing the censure of our readers for prolixity, which however we shall endeavour to avoid meriting, and be as concise as our capacity will permit, without curtailing what is necessary to be said on so important a subject.

A bill of exchange is commonly drawn on a small piece of paper, and comprised in two or three lines, being so noble and excellent, that though it cannot properly (as is conceived) be called a speciality, because it wanteth those formalities, which by the common law of England are thereunto required, as seal, delivery, and witnesses, yet it is equivalent thereunto, if not beyond or exceeding any speciality or bond, in its punctuality and precise payment; for, if once accepted, it must be paid when due, otherwise the acceptor loses his credit.

Number of persons making an exchange, and how distinguished.

There are ordinarily four persons requisite in making an exchange (besides the broker) viz. two at the place where the money is taken up, and two where it is payable; as 1st, the *deliverer, giver, remitter, or negotiator*, being the person who delivers the money; 2dly, the *taker or drawer*, who receives or takes up the money by exchange; 3dly, the party who is to pay the money in virtue of the bill drawn on him, commonly termed the *acceptant*; 4thly, the person to whom the bill is made payable, and is to receive it, called the *possession or holder* of it.

But sometimes only three are concerned in an exchange, viz. the *drawer, the deliverer* (who has the bill made payable to himself or order and value of him) and the party that is to pay it, the *deliverer* carrying it himself and receiving it.

There is likewise another way, wherein only three are necessary; as 1st, the *drawer*, 2dly, the party on whom it is drawn, and 3dly, he to whom it is payable; for the *drawer* having money in his hands belonging to the person in whose favour the bill is drawn, confesses value received in his own hands, and charges it to his friend or factor, payable to his creditor.

And there is yet one way more wherein monies may be remitted only with the intervention of three persons; 1st, the *taker*, 2dly, the *deliverer*, and 3dly, the party to whom payable, as thus; if I was at Exon, and intended for London, I would take up money there, and give bills of exchange for the same, drawn on myself, payable to whom the deliverer should appoint in town.

Money may likewise be exchanged between two persons only, viz. the *drawer*, and he on whom it is drawn; the drawer making a bill of exchange payable to himself or order for value in himself, and subscribes the bill, and directs it to the party that owes him money, and is to pay it by exchange; by which bill (when he on whom it is drawn hath accepted it) he becometh debtor to the drawer, and this latter, before the bill falls due, doth negotiate it with another man, and by this means draws the money in at the place of his residence, and makes only an assignment on the bill, payable to him of whom he hath received the value.

Difference between the real and imaginary species of any country.

All these methods of exchange are termed *real exchange*, and some or all of them will naturally occur to a man in business; therefore the better to conduct our readers to a perfect understanding of them, he ought to be acquainted, that as the monies and species of almost every nation differ, not only in their current prices, but in their intrinsic value, there is a just and certain *par* established between them, according to the real and effective worth of each species, without any regard had to their currency in the countries where they are coined; and the *par* is by some authors supposed to be of two sorts, viz. the one of real monies, and the other of exchanges, or imaginary species, though both seem to be the same thing, as having a necessary dependance upon each other.

By the *par* of real monies, is to be understood, the equality of the intrinsic value of the real species of any country with those of another; and by that of exchanges, the proportion that the imaginary monies of any country bear to those of another. So that the rise and fall of an exchange must only be attributed to the current price of the coins of any country, or from an extraordinary demand in one place for money in another, or sometimes it is owing to both; and it may easily be proved from the very etymology of the word *exchange*, that the variation of the current coins or monies of any country in a manner constitutes and gives it being, at least has a very great influence on it, as it is only (according to the aforesaid definition) a bartering or exchanging the money of one kingdom with those of another, which is always effected by the intervention of two or three lines of writing on a slip of paper, as mentioned before; and we shall now proceed to shew what the obligation of every one is who may be concerned in it.

Different obligations of drawers, indorsers, acceptors, or holders of bills of exchange, under all circumstances, and whether by commission, or for their own accounts.

And 1st, of the *drawer*, who in treating about, or negotiating a bill of exchange, must have a strict regard to his credit, and never give his draughts at an under-exchange, as this is a certain indication of his want both of cash and credit; though without an impeachment of either he may do his business, although something under the very height of the course, as this cannot always be obtained by every one; therefore when a drawer is not notoriously under the mark, he will transact his affairs with reputation; and if his sole view in drawing proceeds from a prospect of advantage, without any mixture of necessity, he may watch his juncture for succeeding in his designs by regulating his draughts or remises according to the plenty or scarcity of money or bills.

2. If, in negotiating a bill of exchange, only the price is mentioned, without any other conditions, they shall in this case be construed to be such as the customs of the place to which the bill is directed ordinarily allow of in all respects.

3. A drawer ought to observe before he subscribes a bill, and the remitter before he sends it away, that it be well and truly made, with all the necessary requisites fully expressed in it, which we shall here hint for their government; and 1st, it ought to have its date rightly and clearly expressed; 2dly, that it names the place where it was made and concluded on; 3dly, that the sum be expressed so distinctly both in words and figures, that no exceptions can be taken against it; 4thly, that the payment thereof be ordered and commanded; 5thly, that the time of payment be not dubiously expressed, nor sooner or later than has been agreed on; 6thly, the remitter must especially observe that the name of the person to whom payment is to be made, be well and truly spelled; or if it be made to his order, that those words be clearly writ; 7thly and 8thly, he must also observe if his name be therein, and the value of him be expressed; 9thly, he must observe that the bill be subscribed by the drawer; 10thly, the drawer must principally look to the direction of the bill, that it be true, and directed to the right person; 11thly, they must both observe, that the place wherein the payment must be made (and the coin, or species wherein it must be paid) be fully expressed.

pressed in the superscription or body of the bill: and if a drawer draws upon one who lives not at the place where the bill is intended to be paid, then the remitter must observe, that as well the place where the person lives that is to pay, as the place where the payment must be made, be expressed.

4. A drawer acts imprudently when he gives more bills than one for the same sum, to the same person, and under the same date, as this may be an occasion of mistakes; therefore if two bills for one thousand dollars are agreed for, it is better to make them for unequal sums, than five hundred each.

5. It is a custom here in England for the drawer to deliver only the first bill on the day of agreement, and to recover on the second and third, which are sent to the remitter for payment before the next post goes out; and a drawer should always observe to note how many bills he gives, lest by a repeated loss he should be led into an error through forgetfulness, and give the duplicate of one he had given before.

6. Generally in all bills of exchange, the drawer is bound to the person from whom the value is received; as the acceptor is to him, to whom it is made payable; for although the drawer and acceptor are both bound in the bill, and both equally liable for the payment thereof, yet they are not commonly both bound to one man; I say commonly, for if the taker of the bill be servant to the party to whom the bill is payable, then indeed the drawer may be said to be bound to the party to whom it is payable, as well as the acceptor; or if he who pays the value be the principal, and he remits his own money by exchange, payable to his agent, in this case likewise both drawer and acceptor may be said to be bound to the purchaser of the bill; but for the generality, in sums remitted and drawn between merchant and merchant, it is otherwise, as the drawer is properly bound to one, and the acceptor to another, though both of them are liable till the bill be satisfied; so that if the accepted bill be not paid at the time, and protest made for non-payment, and there be occasion to commence a suit in law against the drawer, it must be entered in the name of the party from whom the value was received; and in like manner, if a suit be commenced against the acceptor, it must be made and prosecuted in the name of him to whom the bill is made payable; for probably the drawer takes no great notice to whom it is made payable, being directed therein by the person that takes the bill; neither doth he who accepts the bill much regard the purchaser of it, but only regarding the party who drew it (with whom he corresponds) and to him to whom it is made payable (to whom by his acceptance he binds himself for the payment;) and so likewise where there are any assignments on bills negotiated, always the party that receives the value is directly bound to him of whom he hath received it, and the acceptor to the last assigned.

7. If a merchant, after accepting a bill of exchange, becomes insolvent, or hath done or suffered any thing publicly against his credit, in the interim before the bill under his acceptance falls due, the holder, on hearing such a report, should by a notary demand of the acceptor a better security, and on not obtaining it, cause a protest to be made for want thereof, and send it away by the very next post, that the remitter may have an immediate opportunity to demand and procure security from the drawer; and when the bill is due, if it is not paid, another protest must be made for non-payment, and forwarded as the other; for which protests the drawer must be answerable, and pay the charge of them jointly with those of postage, re-exchange (if the money be redrawn) commission and brokerage.

8. When any protest is received either for want of acceptance, or better security, the person to whom it is sent must presently repair with it to the drawer or indorser of the bill, and upon sight thereof, he must give a satisfactory security (if his own is not to content) for repayment of the money received, with re-exchange and charges, if it is not paid when due; and it is customary in such cases to make a deposit suitable to the value, or procure some person of unexceptionable credit to be bound for its punctual discharge.

9. It is customary, as observed before, for a drawer

in London to deliver his first bill to the person agreed with, on the day of its negotiation, and to recover on the second and third bill, retained till the succeeding post, so that it has sometimes happened through misfortunes, though oftener with design, that the remitter has absconded or failed before payment, so that the bill arriving before the advice of the failure or knavery, is accepted and must be paid, though equity would certainly give relief to the party aggrieved, in case of fraud, provided the deceiver could be found.

10. And if the acceptor of such a bill becomes insolvent, or refuses to pay it when due, the drawer is obliged for its discharge, with re-exchange, provision, &c. although he has not received its value.

11. If a merchant draws a bill of exchange for his own account, and remits his correspondent others, or cash to discharge it, or orders him to revalue for its amount; and in this last case the redraughts are accepted, though the factor becomes insolvent, or retires with the money, whilst the bill is running on him, the merchant shall be obliged to pay the bill returned protested, with all charges of re-exchange, &c. by which means he furnishes not only these, but the value of the bill twice, so that a more than common regard should be had to the character of the person employed in such transactions.

12. If a drawer fails before receiving value for his bill given, and the remitter hath the bill still in his hands, he should restore it to the creditors or trustees of the drawer's effects; but if they refuse to admit it, and insist on his performing his contract, he is obliged to a compliance, and must demand acceptance, and endeavour to produce payment of the same, though not till the creditors or trustees who urge him thereto have given him satisfactory security, for the payment of re-exchange and incident charges, in case this negotiation should return with protest; and till they do this they cannot oblige him to pay them the value of the bill.

13. When a bill of exchange is accepted, and not punctually paid when due, a protest for non-payment is so far from releasing the acceptor (as some have formerly erroneously thought) that it exposes him to the payment of more than he was before liable, as by acceptance he only obliged himself to the discharge of the sum mentioned in the bill, but under protest must pay all costs, damages, interests, &c. and for which he becomes liable to an action on the case as soon as ever the protest for non-payment hath been made, and he may be arrested for the same accordingly.

14. In case of a remitter's failing, before he has paid the value, and the person to whom the bill is drawn, gets advice of this occurrence before acceptance, and therefore refuses to accept it; the bill, on its returning protested, shall be paid (notwithstanding) with all charges by the drawer, under proof from the possessor, that he negotiated the said bill, and paid a just value for it: but if the bill be directly forwarded to the person to whom it is made payable, and sent him by the remitter in payment of a debt he was owing him; then it is dubious whether the drawer be obliged, as he has received no value, nor the possessor in any other shape made the same good. And though the drawer in such a case is obliged to pay *extra* of what the remitter owes him for the value, the re-exchange and charges, yet the said remitter stands indebted for no more than the bare import of the bill, nor can any thing more be recovered of him.

15. When a drawer acts simply for another's account without engaging as surety for the negotiation, if the value by any casualty is not received, the loss will fall on him for whose account the bills were given, unless the drawer give the remitter a time for payment, without advising his principal thereof, or that he has neglected to demand the money in the customary time, or that the remitter was at the time of transacting the affair known to be insolvent, or apparently declining in his circumstances; in any of which (or similar) cases, the drawer shall suffer the loss (whether he received any benefit or not thereby) as it was occasioned by his crediting the remitter.

16. If through the negligence of a negotiator or possessor of a bill, the demanding acceptance has been omitted or postponed till the drawer has failed, and the person it is drawn on, being ignorant of what has happened, accepts

cepts the same when presented, his acceptance shall oblige him to the payment, though procured after the drawer's insolvency; but if the remitter or possessor hath neglected to demand acceptance, before the drawer's failure, and the person to whom it is directed has advice thereof, he cannot be compelled to accept the draught, though previous to the knowledge of the drawer's misfortunes he had acquainted him with his intention to honour his bill, and even afterwards confesses that he should have done it, had it been presented, and the acceptance demanded, before the advice of the drawer's failure reached him.

17. It is customary (in London) for the possessor of a bill to send it (on receipt) to the merchant's house, on whom it is drawn, for acceptance, and leave it there (if desired) till the next day, except the post goes out the same day it is received (which often happens from the unavoidable irregularity of its arrival) in which case it should be accepted or protested. And in case a bill so left should happen to be lost, or mislaid, either by the person on whom it is drawn, or by any of his servants to whom it was delivered, so that it cannot be returned to him who left it, neither accepted nor unaccepted, in this case he who lost the bill (if he intended to accept, or if he had accepted it) should give a note under his hand and seal for the payment of the sum mentioned, and to the party directed in the bill, at the time limited, or to his order, upon delivery of the *second*, if it come in time, or if not, upon that note, which is in all respects and cases to have the law privilege of a bill of exchange, as it is but just and reasonable that he who hath lost another's *speciality*, should make it good by some means equivalent thereto; and in case of the said note's being refused, protest should be immediately made for non-acceptance and forwarded to the remitter, as that for non-payment should be (though there is neither bill nor note to demand it on) if the contents of the lost bill are not satisfied at the time limited for payment.

18. When any person has bills sent him to procure their acceptance, with directions to return them or hold them at the orders of the seconds, &c. and the person to whom they are so sent either forgets or neglects to demand acceptance, or if he suffers the party on whom they are drawn to delay their acceptance, and the drawers in the interim fail, he is certainly very blame worthy for his carelessness, and disregard of complying with his obligation, though this will not subject him to a payment of their value; but if he should be urged and pressed to procure acceptance and payment to a bill sent him, and should protract or defer the getting it done, and the acceptant, being ignorant of the drawer's circumstances, declares he would have accepted it, had it been timely presented, the person guilty of this neglect will be obliged to make good the loss, that has happened to his correspondent, purely through his omission and carelessness.

19. If an acceptor has heard that a drawer is failed, he ought not to accept any of his draughts afterwards, altho' he may (whilst ignorant of the drawer's circumstances) have promised honour to his bills, as his so doing may either prejudice himself or a third person, which he should carefully avoid, and not engage his firm without a sufficient security against all claims and demands, that may be made either by the drawer himself, or any other in his right.

20. And the reasons are equally good against accepting any bill from a bankrupt drawer, though it should bear date before the time of his failure, and equal therein with the letter of advice, as fraudulent dealings are always to be feared in such cases, and consequently to be guarded against; besides it is not safe to accept a bill under these circumstances, I mean in point of law; therefore every prudent man will be cautious to secure himself.

21. If any one be drawn upon, on the account of a third person, and before accepting has advice of the drawer's failing, he ought not to accept the draught, though he has promised the drawer he would, as his acceptance may be prejudicial to him; for if he has not effects in his hands, the person for whose account it is drawn, will naturally and reasonably scruple the satisfying the value, or if he should, it will be a detriment and loss to him, if the other has not a sufficiency in hand to answer the bills. And he ought more especially to refuse acceptance to any

bills of a drawer who has failed, if the person for whose account the same is drawn, advises of the drawer's insolvency, or on suspicion of its approach hath forbidden the acceptant to accept any or the drawer's bills for his account, although he may have directed the acceptance of them before.

22. When any drawer fails, the acceptor is not obliged to give better security for payment, but the possessor must have patience till the bill falls due, before he has any demand on the acceptor; but then the acceptor is obliged to pay, though he accepted for the drawer's account, and without any effects in hand.

23. But if an acceptor (on a drawer's being failed) denies payment of a bill, the holder is not obliged to return it with protest to the place from whence it was drawn, as it is apparent that the re-exchanges and charges are not recoverable from the drawer, who must therefore, after protests made, be proceeded against without delay by attachment, &c.

24. If an acceptant fails, or absents himself, the possessor is obliged, as soon as he has notice of the truth thereof, to get a protest made by a notary public in due time, and to send the same, with the bill, to the remitter, that he may procure satisfaction from the drawer; and advice should not only be immediately given to him, but even to the last indorser, that every one concerned may be acquainted with the occurrence, and the drawer thereby empowered to order some other to pay his bill if he pleases, and thereby prevent the loss which re-exchanges bring with them.

25. If the holder of a bill, either through negligence, ignorance of the custom, or of the acceptor's failure, or that because the bill did not come to hand till after it was due, or from any other cause or motive, did not, or could not, have it protested by a notary public, nor sent it away either before or after it was due, till probably on the last respite day; yet this negligence or ignorance doth not hinder the possessor's having redress on the drawer and indorser, although the acceptant failed before it became due.

26. When an acceptor fails before the day of payment, and the bill is made payable to order, the possessor should, as soon as possible, get a protest made, and sent to the first remitter, though he must retain the bill till it falls due, that in case the drawer should think proper to order the payment of his bill by any other, the possessor may be ready to receive it.

27. If, when an acceptor is failed, any other offers to accept and pay the bill for the honour of the drawer or of any indorser, the possessor is not obliged to admit the offer, if he has any reason to suspect the circumstances of the person who makes it; but if he has not, or if the said person will give sufficient security for his compliance, the holder cannot refuse it.

28. Though it should be remembered that it is not safe to accept a bill, whose first acceptor has failed, but under protest declarative of his motives to it, which protest should be immediately sent to the drawer, or to him for whose account it is accepted, with the notary's attestation of its being accepted for his honour.

29. Though the failure of an acceptor be certainly known, and even acknowledged by the drawer himself, yet this latter is not obliged to give any satisfaction or security to the remitter till he produces the protest; but if this is sent without the bills, or the bills without that, or both bills and protest are returned together, and these are either of them shewn to the drawer, he is obliged to give immediate satisfaction, or caution for the payment of re-exchange and charges; though it would be imprudent in a drawer to make restitution of the value received, or of the re-exchange and charges, only upon producing a protest for the acceptant's insolvency; but upon producing this, and a requisition thereto, he should give security for the payment thereof, at the place where it is made payable, provided it can be done in time; if not, for the re-exchange, when the bill that was accepted by the insolvent person shall be produced; and till the said bill be produced, he need not restore nor repay any thing, without sufficient security to deliver the bill, and a full discharge from all future demands; and to make restitution thereof with interest, in case the said bill be paid to any person

(*supra* protest.) But if there is not time enough to order the bill's discharge at the place it was drawn on, the drawer must give the remitter security to pay it at *that* it was drawn from, as soon as it becomes due.

30. A drawer or indorser is as much obliged to the possessor of a bill, protested for an acceptor's insolvency, as they would be if the bill was protested for non-acceptance.

31. When a person is drawn upon and remitted to, in bills payable to himself, and hath advised that he has accepted the draught, if he fails before the bill becomes due, the loss must fall upon the drawer, or upon him for whose account he drew, and he will be obliged to make good the re-exchange and charges, though it be not protested in due form and course; but if he fails on the day of payment, or after, then the bill is considered as paid, and the loss must be borne by him for whose account it was drawn, though it should be protested within the days of respite.

32. When a bill is drawn for the account of a third person, and is accepted according to its tenor for his account, and he fails without making provision for its payment, the acceptor is obliged to discharge his accepted draught, without having any redress against the drawer.

33. If a person on whom a bill is drawn scruples the accepting it for the account of him it is advised to be drawn for, or if through want of advice he is ignorant for whose account it is drawn, he may accept the same (*supra* protest) if he pleases, for the account and honour of the drawer.

34. When a bill is made payable to order, and indorsed by a substantial man, before acceptance be demanded, and the acceptor scruples to accept it for account of the drawer, or for the account of him it is drawn for, he may (if he thinks proper) do it *supra* protest, for the honour of the indorser; and in this case, he must first have a formal protest made for non-acceptance, and should send it without delay to the said indorser, for whose honour and account he hath accepted the bill.

35. An acceptance, *supra* protest, obliges the acceptant as absolutely to the payment, as if no protest had intervened; it being indifferent to the possessor of a bill for whose account the same is accepted, and he hath his redress and remedy as sufficiently as ever against all the indorsers and drawers, if the payment be not punctually made by the acceptor at the time of its falling due.

36. The possessor of a bill must be satisfied and content with an acceptance *supra* protest, if offered by a responsible person (as it is of no importance to him whether it is accepted simply or under a protest, as the acceptant pays the charges) except he had orders from the remitter, not to admit of such an acceptance, in which case he should and ought to protest, if a simple acceptance is refused.

37. When a bill is accepted, *supra* protest, and the holder is not satisfied therewith, but by the notary publick and witnesses demands a simple acceptance, and, upon refusal, makes a protest; the acceptant (if he continues resolved not to accept simply and freely) should renounce the acceptance he had made, and insist that it be so inserted in the protest, and be considered as null and void, as if it had never been done, otherwise he will act imprudently, and may suffer for it.

38. Neither the possessor of a bill, nor he that may demand acceptance, nor any third person whatsoever, may accept a bill of exchange previous to a refusal from him it is drawn on, or that he cannot be found, and hath left no order for the acceptance; in any of which cases, either the possessor himself, or any other, may accept it (under protest) after causing it to be protested for non-acceptance; and the method of accepting *supra* protest is as follows, viz. the acceptant must personally appear before a notary publick with witnesses whether the same that protested the bill or not is of no importance) and declare that he doth accept such a protested bill in honour of the drawer, or indorser, &c. and that he will satisfy the same at the appointed time; and then he must subscribe the bill with his own hand, thus, *Accepted supra protest, in honour of I. B. &c.*

39. An acceptance, *supra* protest, may be so worded, that though it be intended for the honour of the drawer, yet it may equally oblige the indorser, and in such case it

must be sent to the latter; but such an acceptance tends rather to the discredit than the honour of the drawer.

40. When the possessor of a bill hath admitted of a third person's acceptance, *supra* protest, in honour of the drawer, then the drawer is freed from any obligation to give a further satisfaction to the remitter; but if the acceptance be made in honour of an indorser only, the bill is as absolutely protested in respect of the drawer, and he obliged to give satisfaction either to the indorser (for whose honour it was accepted) or to the remitter, as if the acceptance (under protest) had never been made.

41. If a bill be protested for non-acceptance, and after being accepted (*supra* protest) by a third person, the intended acceptant (on receiving fresh advices and orders) determines to accept and pay it; the acceptor (under protest) may suffer it, tho' the possessor cannot be obliged to free him from his acceptance; and in case the two acceptors agreed, he that was originally designed such, is obliged to pay him who has accepted *supra* protest, his commission, charges, &c. as it was by his acceptance that the bill was prevented from being returned protested.

42. Any man that will, may (*supra* protest) accept a protested bill for the honour of the drawer, or any particular drawer that was before accepted (*supra* protest) in honour also of some one particular but latter indorser, and the first acceptant is obliged to allow of the same, and yet remain obliged for his first acceptance; but the last acceptant is obliged to pay and allow provision and charges to the first, for the reasons assigned in the preceding case.

43. He that accepts a bill *supra* protest, puts himself absolutely in the stead of the first designed acceptant, and is obliged to make the payment without any exception; and the possessor hath the same right and law against such an acceptor, as he would have had against the first intended one, if he had accepted.

44. When any one accepts a bill *supra* protest, he may lawfully demand a recompence for the credit given him, for whose honour he accepted it, at least his commission, postage, and other charges; and in case he should be forced to take his reimbursement by redraughts on the persons for whose account he accepted and pays, his bill ought to meet with a just and ready compliance, besides a grateful acknowledgement of the favour.

45. No one should accept a bill under protest for the drawer's honour, till he has first learned the reasons from the intended acceptant, for his suffering it to be protested; but if the acceptance be in honour of an indorser, such an enquiry is needless.

46. Though the drawer of a bill, under protest for non-acceptance, and his hand-writing, be never so well known, yet every one should be cautious in accepting it *supra* protest for his honour, provided the person for whose account it was drawn, be unknown, and cannot be found.

47. Any one accepts a bill *supra* protest, either for the honour of the drawer or an indorser, though it be done without their orders, or knowledge, yet he hath his redress and remedy on the person for whose honour he accepted it, who is obliged to indemnify him, as if he had acted entirely by his directions.

48. If the acceptant of a bill, under protest, for the honour of a drawer or indorser, receive his approbation of the acceptance made, the acceptant may freely pay the bill, without any protest for non-payment; but if the person, for whose honour the bill was accepted, returns no answer to the advice, or replies with a disapproval thereof, unthankfully remarking that it was done without orders; in this case the acceptant, *supra* protest, must cause a formal one to be drawn up for non-payment, against him to whom the bill was directed, and on his continuing to refuse payment, and he that has accepted it, is obliged to do it for him; he should engage the possessor to transfer all his action, right, and law of the bill to him; for though this is not absolutely necessary, yet it will corroborate his demands when he comes to have recourse against the person for whose honour he accepted it (whether drawer or indorser) or on any of the former indorsers.

49. He that accepts a bill in honour of the drawer, hath no remedy against any of the indorsers, because he obliged himself only for the drawer; and he that accepts for the honour of an indorser can have no advantage from any one, subsequent to him for whose honour he accepted;

but he and all that were before him (the drawer included) are obliged to make the acceptor satisfaction.

50. When a bill is protested for non-payment, any man may pay the same (under protest) for the drawer's or indorser's honour, even he that made, or he that suffered the protest.

51. A man, after having freely and willingly accepted a bill, cannot satisfy the same under protest, in honour of an indorser, because he, as acceptant, is already obliged to him; but an intended acceptant, not having yet accepted the bills, may discharge them for the honour of the indorser or drawer, as if he was a third person unconcerned.

52. When a person has bills passed on him for the drawer's account, who, having made no provision for the payment thereof, gives the acceptor room to fear he shall have some difficulty in obtaining a reimbursement; in such case, this latter may suffer them to be protested when due, and afterwards either pay them himself, or some other for him, under protest, causing the right and title to be transferred to him, to enable him to prosecute the drawer in case of need, or by this means the more easily to prevail on him to refund the value he received, when probably it would be difficult to persuade him to reimburse what the acceptor has paid for him.

53. No man must pay a bill under protest for non-payment, till he has declared before a notary public, for whose honour he discharges it, whereof the notary must give an account to the parties concerned, either jointly with the protest, or in a separate instrument or act.

54. He that pays a bill *supra* protest, immediately succeeds the possessor in the right and title thereof, although there be no formal transfer made, nor no *cessio actionis* from the holder to the payer; yet to prevent all disputes, it may be more advisable, especially in some cases, to have this *cessio* made in form, and to this the possessor is obliged whenever it is demanded of him.

55. The possessor of a bill, protested for non-payment, is not obliged to admit of its discharge from a third person (*supra* protest) either in honour of the drawer or any indorser, unless he declare and prove that the honour of that bill was particularly recommended to him; in which case the holder is absolutely obliged to admit the payment from him, as if the intended acceptant had discharged it.

56. But if the protested bill be indorsed by the possessor's correspondent, and was remitted by him, then the possessor, if he acts circumspectly, will not admit of any payment in honour of the indorsements, but under the express condition that the payer shall have no redress or remedy against the said correspondent.

57. He that discharges a bill protested for non-payment, in honour of the drawer, hath no remedy against the indorsers; though he that honours a bill (protested for non-payment) for an indorser, hath his remedy not only against the said indorser, but against all that were before him (including the drawer) though he hath no action, law, or right against the indorsers that follow him, for whose account the payer was willing to discharge the bill; as has been mentioned about accepting bills, *sect.* 49.

58. When several persons offer to honour a protested bill, for non-payment, he that proffers to do it in honour of the drawer should first be admitted, and then he that intends the same for the earliest indorser.

59. When a bill is paid, under protest, in honour of an indorser, and the acceptant adviseth the payer that there is another (or that he himself) will discharge it for the honour of an earlier indorser or of the drawer, and this before he that paid hath reimbursed himself by re-drawing, then he is obliged to admit of it from the second, and to transfer his right to him, though the second payer will be obliged to refund to the first, not only his charges, but half commission also.

60. Men should be very circumspect and cautious in accepting or paying bills for the honour of the drawers, and still more so when they do it for the honour of an indorser; and ought to be very well acquainted with the character and circumstances of the person for whom they engage their firm, or pay their money; and this precaution is more especially to be observed, when a solvent acceptor suffers a protest for non-payment, and his rea-

sons for so doing are strictly to be enquired after, previous to a payment for the honour of any one concerned, as they may be such as might dissuade any other from paying them *supra* protest, though if they are entirely satisfied of the substance of the acceptor, they may with less fear pay the bill, as he is obliged for its discharge, in case the drawer or indorsers refuse.

61. If the protest for non-payment be sent away, it is unadvisable to offer payment under protest, though the bill be still retained, unless the possessor will give sufficient security to make restitution, in case the drawer or indorser should have repaid the value and charge, or otherwise agreed with the remitters.

62. A more than ordinary circumspection is likewise required in the payment of bills (under protest) that are made payable to order, and at some days sight, when there hath been any neglect in the procuring acceptance; and, above all, men should be fearful to meddle with bills that were not duly and timely protested.

63. When a bill is paid, *supra* protest, in honour of the drawer or indorser, the payer usually (if he has no effects in his hands) redraws the same directly on him for whose account he paid it, with the addition to the sum mentioned in the bill, of the charges of protest, brokerage, postage, and commission.

64. And when he that pays under protest hath revalued for his advance, he ought, with the advice of his draughts, to send the protest with the protested (and by him discharged) bills of exchange, jointly with the instrument of his tendered payment and its acquittance, to his correspondent, that they may be shewn to the person, for whose honour he paid, at the time of demanding acceptance of his bills for reimbursement, which ought in gratitude to be punctually complied with; though if it should not, and the person drawn on refuses acceptance and payment, he may be compelled thereto, as well as to defray all the drawer's charges and damages, the right being now in him, either by or without a transfer of it from the first possessor, as has been before explained.

65. If a drawer make any dispute, and alledge that his bill was accepted, and therefore the remitter must seek his redress from the acceptant, &c. he should be informed that he must primarily be applied to before it can be sued for from the acceptor; and if a drawer has any suspicion that his bill (though accepted) will not be paid, he should recommend the care of it to some other person for his own credit, who may afterwards have recourse against the acceptor, as this latter's refusing payment exposes him to immediate execution.

66. In case of a person's refusing payment of his accepted bills when due, they ought to be protested, and sent with the protest to the remitter or drawer, which of the two it was that forwarded them, except they should order their correspondent to detain the bill, with a prospect of obtaining their discharge from the acceptor.

67. The possessor of an indorsed accepted bill, protested for non-payment, and not discharged *supra* protest, hath his redress on the drawer and all the indorsers; and therefore it is usual for the possessor of such a bill to redraw for its value, &c. on him from whom he received it, whether he be the first remitter, or any other indorser; but if he is not to be found, or has failed, or if it is more for the possessor's conveniency, or to comply with the request of a later indorser, he may draw upon some earlier indorser, and demand of him or the drawer, restitution of the value and charges, and, in case of refusal, compel him to it; but, however, the person from whom he received, or with whom he negotiated the bill, is obliged to refund, and he again hath his redress on the acceptant, drawer, or any other earlier indorser.

68. The possessor of such a bill must not directly demand restitution from the drawer, before he has given notice of the non-payment and protest to the indorsers, lest he lose his redress on them; and he should, as well in case of protest for non-acceptance as for non-payment, advise the remitter thereof without delay, and send him a copy of the protest, that he may get security from the drawer.

69. No bills of exchange, protested or to be protested, can be attached in the notary's hands, except only when an acceptor can demonstrate that he hath fully paid their

contents, and in this case the attachment will lie; otherwise it is of no force or validity; and the notary may, nay must when demanded, restore the *bill* and protest to him from whom he received it, to act therewith as he shall judge convenient.

70. No person can be compelled to pay a *bill* which he has not accepted; nor the drawer or indorser to the making restitution, unless the *bill* be returned with protest for non-payment; but if it is, and the protest is in all circumstances rightly made, he that gave or negotiated the *bill*, must make immediate and punctual satisfaction for the value, re-exchange, commission, brokerage, postage and protest.

71. The drawer of a *bill* payable to order, is no farther obliged (though the protested *bill* was indorsed in several places, and returned the same ways) than for payment of the redraught made from the place where the *bill* was to be discharged directly to that where it was drawn, and at such a course of exchange as then governed; and the indorsers are likewise no farther obliged than for the revaluing from the place intended for its payment directly to that where it was respectively indorsed by them.

72. When a *bill* is in the same place successively indorsed by several persons, and is returned with protest to the last indorser, he is obliged instantly to make satisfaction, either by himself or by some other indorser before him, or for him; and if he pay, and satisfy it himself, he is not then to demand provision or charges of the other indorsers or drawer in the same place, more than what he has actually paid.

73. The remitter or possessor of a *bill* protested for non-payment, is not precisely obliged to solicit restitution from the drawer or indorser, if he had rather seek his redress from the acceptor; and, on the contrary, he need not regard the acceptant, if he prefers seeking satisfaction from the drawer or indorser, nor is he obliged to allow them any time for the payment, but may, if it be not punctually complied with, proceed against which of them he pleases.

74. No drawer or indorser is obliged to make restitution on sight of the protest alone, nor on sight of the protest and the unaccepted *bill*, when one of them hath been accepted; but he is obliged to give a satisfactory security to the remitter on his producing only the protest, and to make payment when this and the accepted *bill* are presented together.

75. If a person who has accepted a *bill*, refuses payment when it is due, and the *bill*, on being returned with protest that the drawer may satisfy it, meets with a refusal from him also, and is sent back again to the possessor, this latter in such case has as much right and law against the acceptor as against the drawer, and may force either of them to a compliance.

76. Though the possessor of an accepted *bill* hath no redress against the drawer, if he omits to protest it for non-payment, till the days of grace are expired, yet if the drawer be still in credit, he must send it to him with the protest, as till this is done, and they are returned, he cannot compel the acceptant to discharge it.

77. When a *bill* is made payable for the drawer's own account, and is not discharged when due, but protested for non-payment, the possessor need not return it on the drawer, but may instantly compel him to make satisfaction whenever he is found.

78. The acceptant of an indorsed *bill*, protested for non-payment, cannot be proceeded against by arrest or attachment, though any one or all the indorsers refuse to make satisfaction, unless the drawer also refuse to do it, and this be proved by good evidence; and the acceptant of a *bill* returned to the drawer with protest for non-payment, and sent back undischarged by him, is only obliged to pay the exchange and rechange, provisions, and postage, without any other charges.

79. And the exchange is reckoned according to the course at sight at that time and place where the protest is made, to the place where the payment should be made by the drawer; but if it is not complied with there, then the sum is again increased, by the commission and postage being added, and the course is now reckoned upon the whole sum, according as it shall govern at that time and place upon sight, to the place where the *bill* is to be paid,

and the acceptant is obliged to pay the rechange and all the charges, although the parcel was not effectually negotiated and redrawn, i. e. rechange, provision, and postage must be twice paid, &c. as provision twice for the exchange and rechange; the charges being only for postage and protests, unless the acceptant (by delays and excuses) forces the possessor upon some necessary charges to recover, which the acceptant is obliged to pay; but no extraordinary ones, such as travelling, &c. will be allowed.

80. And if the acceptant under the aforementioned circumstances refuse immediate payment to the returned *bill*, a legal interest may be charged him, from the day that the *bill* was due to the time of its discharge; though he shall not be obliged to make good any other loss or damage than those before-mentioned, notwithstanding the expressions used in the protest, as these are not to be construed as obligatory on the acceptant to satisfy any loss or damage which the possessor may pretend he has suffered from a want of punctual payment, and by this means frustrating his designs of some beneficial engagement, or loss of a convenient opportunity for advantageously employing the sum detained.

81. When a drawer is not of an established credit in the commerce of the place he is settled at, it is common for some merchant, who inclines to forward and protect, at first to indorse his *bills*, till time and opportunity have rendered him and his dealings better known; but if any such friend excuses to indorse his *bills*, and yet has a mind to serve him, it is frequent on such occasions for that friend to subscribe the second or third *bill*, which is done by the sole setting his name under that of the drawer, without adding a single syllable thereto, as this doth as fully and amply oblige him as it does the drawer, though the obligation only extends to the *bill* so subscribed, for which the underwriter is answerable to the remitter, or any other this latter negotiates it with; but if the remitter keeps the subscribed *bill* himself, and the possessor of the other two unsubscribed would seek any redress against the security, he cannot for want of the *bill* that is subscribed; but as such negotiations are only practised for the safety and satisfaction of the deliverer, without an intention in any shape to discredit the drawer, they are usually concealed, and the subscribed *bill* seldom sent away.

82. And when such subscribed *bills* are satisfied, they should be returned to the principal drawer, as he in the first *bill* acknowledges to have received the value, and the remitter would be very imprudent if he paid it to the subscriber, though he contracted with him, and regards his firm more than that of the drawer's; but the subscriber should take care to enquire of the remitter or possessor, whether the *bill* was punctually complied with when due, that he may for his security have that carrying his firm cancelled.

83. Exchange is made in the name, and for the account of a third person, when any one acts therein by the order, full power, and authority of another, which is commonly termed *procuration*; and these *bills* may be drawn, subscribed, indorsed, accepted, and negotiated, not in the name or for the account of the manager or transferee of any or all of these branches of remittances, but in the name and for the account of the person who authorized him.

84. And as such an unlimited power, if abused, may be of the most fatal consequence to the giver of it, who certainly puts his welfare and fortune in his *procurator's* hands, it ought not lightly to be granted, nor till the most sedate reflections and thorough knowledge of the person will justify the step, and bring it within the limits of prudence; therefore a discreet man will not hazard his substance by such a substitution, except through mere necessity, and then will act with all the circumspection possible in his choice; and when he has passed his nomination, and authentically substituted his agent, he must advise those correspondents on whom his procurator may occasionally want to draw, &c. with his having given such a power, and desiring them to honour the firm of his substitute, whenever made use of for his account.

85. And he that by such a *procuration* does either negotiate, draw, indorse, subscribe, or accept *bills* of exchange,

change, by subscribing his own name and quality (that is, the attorney of his employer) does thereby as effectually oblige his principal as if he himself had firm'd, whilst the procurator is not in the least obligated; but if any one, under the pretence of having a full power from a person of credit, transacts any business for his own account, he is not only obliged to perform all that he hath negotiated in the name of another person, but is likewise liable to be punished severely for the deceit; and such a pretence no way obliges the person whose name is made use of therein.

86. It will therefore be prudent in every remitter or possessor of *bills* to refuse any drawings or acceptance by the wife, servant, &c. of those they pretend to represent, unless they first produce the power they say they act under, and this be in every respect full and satisfactory, and neither antiquated, recalled, or cancelled; and it is asserted by Marius and others, that a merchant's letter to his wife, friend, servant, or any other, to accept *bills* of exchange, is not sufficient without a power of attorney in form; though if there should be no such instrument made to either of the aforementioned persons, yet if either of them have formerly in the principal's absence usually accepted his *bills*, and he approved thereof at his return, I believe on proof of this it would always be construed as his intention, and be as valid and binding as a legal and formal instrument.

87. In negotiations of *bills*, the procurator should, before he concludes any, advise the person treating with him, of the quality in which he acts, that he may be satisfied of the validity of his deputation; for if without mentioning any thing thereof previous to his contracting, either by himself or a broker, the other party is not obliged to stand to the agreement, or pay him any money if he has acted as a drawer, but may refuse to have any thing to do with him; though, on the contrary, the possessor of a *bill* must admit the acceptance of a procurator, provided his letter of attorney be general, or expressly declaring that all *bills* by him accepted, are for account of the principal, or limited only to the acceptance of those *bills* that the possessor has; but if the procurator be not clear and express in these particulars, then the holder is not obliged to admit the acceptance of one whose power to perform is doubtful or insufficient.

88. When *bills* of exchange are drawn on one place, and made payable in another, the intention of such a draught should be mentioned at the time of agreement, otherwise it is not binding; and when *bills* are drawn in this manner, it is customary for the acceptant to mention the house they are to be paid at. *As for example*; A. B. of London draws five thousand dollars on C. D. of Bilboa, payable in Madrid, which the remitter sends to his correspondent there, and he to his at Bilboa, where being presented to the said C. D. he accepts it to be paid by E. F. (or in the house of E. F.) of Madrid, and takes care to furnish the necessary fund in time for its discharge, otherwise the *bill* will be protested for non-payment in Madrid, as E. F. lies under no obligation to pay it, if he has not effects of the acceptant's in his hands, neither is he obliged to declare whether he will pay it or not before it is due.

89. It is sometimes customary in cases like the above, for the remitter (if he has no correspondent at the place the *bill* is drawn on) to desire the drawer to send the first for acceptance, and to return it accepted to him, or elsewhere as he shall direct, which the drawer cannot well refuse, though he is not strictly obliged to a compliance; however, when once consented to, and he does not return the *bill* accepted in a convenient time to the remitter, or forward it according to his order, this latter should send the second *bill* to some other person to procure acceptance (as he cannot oblige the drawer to give him any farther satisfaction) in case this has not been done to the first, and if refused, to enter a protest.

90. If the acceptant of a *bill* does not live in the place where it is payable (as in the foregoing cases) and in order to discharge it, remits the holder other *bills* due the same time his is, the said holder is not obliged to admit them in payment, and if he consents to it, may justly demand his commission on them, as he has a double trouble in the recovery of his money; and, on the contrary, if

the possessor desires the acceptant to send him the value of the *bill* in others or in specie, the acceptant is under no obligation to comply, unless he has an allowance of a provision for his pains.

91. If the person to whom the *bill* is addressed will not accept it, a protest must be entered against him for non-acceptance, but that for non-payment is properly made (as before observed) at the place where the *bill* is payable; and though the possessor is under no obligation to seek elsewhere for payment, yet he may, in case of its not being punctually discharged, proceed against the acceptant wherever he finds him.

92. Besides the aforementioned method of drawing on one place and paying in another, there is yet a different manner of executing such negotiations, as when *bills* are not made payable or remitted to the place directly where the money is, but on some other place, from whence the value is to be redrawn or remitted to the place where payment must be made. *As for example*; a person has money lying at London, which he would willingly have at Dantzick, but as the Dantzicker cannot draw directly on London, he first passes his *bill* on Hamburg or Amsterdam, and orders his correspondent there to reimburse himself on London; and the motives to this sort of exchanging are either, first, because there is no course settled directly, or else, secondly, where there is it may be more advantageous not to make use of it, but to negotiate otherwise.

93. When any one draws by commission, it must be either for the account of him on whom he draws, or else for that of a third person; if for the former, the drawer should punctually advise him of the sum drawn, and distinctly in how many *bills*, what date, to whom, and when payable, from whom the value, and at what exchange (and indeed the same exactness should be always observed in regard of advising whenever *bills* are drawn) and no draughts should be passed for the account of a third person, without special order from him; and it is customary on such occasions for the acceptant to advise that he will honour such draughts, whenever they appear, previous to the Drawer's making them; and the drawer on his part should give punctual advice both to his principal and the acceptant, whenever he executes his commission; and it is usual in such cases for the drawer to mention in the *bill* for whom he draws, by concluding it with these words, *and place it to the account of A. B. as per advice from*, naming the person, or the two initial letters of his name, which may prevent and obviate an exception sometimes made by an acceptor, that he did not accept nor satisfy the *bills* for such an account, but on the drawer's only.

94. *Bills* may be, and many times are, drawn upon a third person's account, who yet remains *incog.* to the acceptor. *As for example*; A. B. is straitened for cash, and C. D. his friend, has none to spare him, yet willing to serve him, he makes his credit supply what his purse denies, and passes his *bill* on E. F. of Amsterdam for the sum that A. B. wants, with orders to redraw the same on him (C. D.) which A. B. pays in due time. And sometimes *bills* are drawn for account of a third, by order of a fourth, viz. A. B. of Antwerp receives orders from C. D. of Madrid, to draw for his account on E. F. of Hamburg, but A. B. finding no opportunity of effecting it, directs G. H. of Amsterdam to value for the sum ordered on Hamburg for the account of C. D. of Madrid, and to remit it afterwards to him, the said A. B. Or else A draws on B, with orders to reimburse himself by draughts on C for the account of D, but B should refuse such a commission, unless A be his security; and when he draws on C, he ought to advise him that he draws by the order of A for the account of D, and also give advice to A with all the particulars of the negotiation, though it is unnecessary to correspond with D about it, this being A's obligation.

95. He that hath orders to draw on one place, and remit to another, or *vice versa*, for the account of a third person, should not remit before he knows he can draw, nor draw before he knows he can remit, as by the doing one he may be in disburse, and by the other have his principal's cash lie by longer than may be pleasing; and when he hath an opportunity to do both, he should, before

fore concluding, make his calculation whether he can execute his commission within limits (if limited) according to the terms and exchanges offered him.

96. When a remitter by commission hath sent his *bill* to a third person by order of his principal, and in his letter of advice hath clearly expressed for whose account it is, then neither he nor his employer can alter or recal the same, to the prejudice of him to whom the remittances are made.

97. If a remitter in commission stands *del credere* for the remittances, he acts indiscreetly, if he has the *bills* made payable to himself or order that he may indorse them; for though this is frequently practised by the chief bankers and exchangers, with a view to conceal from the drawer the person to whom they remit, it does not take off from the imprudence of the action, as the following reasons will evince, viz.

1st. The indorsement may be forgotten, and from this omission may arise endless disputes and contests; 2dly. the remitter by this means makes himself liable not only to answer all damages, &c. to his principal, but also to every possessor and indorser of the *bill* after him; for,

3dly. By indorsing the *bill*, he makes it his own *bill*, and obliges himself on the account of his principal, not only for the value by him received, but for all other charges and re-exchanges.

98. And though a remitter by commission does not stand *del credere*, he acts with equal imprudence, in having the *bills* (as aforesaid) made payable to himself or order, and then indorses them, for thereby he effectually engages himself to stand *del credere*, without reaping any advantage therefrom.

99. Any remitter on commission that stands *del credere* may, upon the return of a *bill* for non-acceptance, contract with the drawer for the rechange and charges, and on his receiving satisfaction, not only be compelled to remit (if he hath not indorsed the *bill*) the same value for a timely discharge, but also to give his principal the advance of the re-exchange, &c. but in case he hath indorsed the *bill*, he may absolutely refuse to give away those advantages, as by his indorsement he made it his own *bill*, and he (as well as any other drawer or indorser) may have the *bill* discharged when due, and appropriate the gains of re-exchange to himself.

100. A remitter by commission that stands *del credere* is not obliged to make good to his principal any more than the value he paid for the *bill*, in case it should be returned with protest, and the drawer is not able to make satisfaction, as the rechange and charges must be the principal's loss (if they are lost) because the remitter had provision only on the value paid; but if he obtain satisfaction from the drawer for the rechange and charges, he is obliged to make the same good to his principal, though the commissions he receives from the drawer are his own, unless the just sum, with the provision and charges, be effectually redrawn on him; and in this case he may place a commission to his principal's account for the trouble of accepting and paying the *bill*.

101. A remitter by commission with *del credere* is obliged, on a *bill*'s being returned with protest for non-payment, immediately to make good its value, or to suffer it to be drawn on him, because his standing *del credere* obliges him not only for the drawer's sufficiency, but for its punctual discharge; though in this case the interest, rechange, &c. is all for his own benefit, notwithstanding the drawer (incapable to make present payment) should yet give security to make a future satisfaction; and the remitter, if he gives orders for the payment of the *bill*, may charge his employer with what he effectually pays more than the *bill* was for, or what his disbursements exceed the value he paid, provided he permits the principal to recover the loss and charges he sustains from the drawer.

102. When a remitter in commission (standing security) has made *bills* payable to the order of his principal, or to any other person, that are returned protested, and they having been indorsed several times in different places, and consequently the advice of the protest must be for a considerable time retarded in reaching the remitter, he is notwithstanding obliged to make good to his principal

the value by him paid, and that though the drawer was for a considerable time in credit after the advice thereof might have come to his hands, if it had been sent directly. And in case any one under the above circumstances executes his commission in his own *bills*, and they return protested, he is then obliged, both as drawer and security, to make good to his principal the rechange and charges, as if he had not been the drawer himself, but a stranger.

103. If any one remitting by commission with *del credere*, makes the *bills* for the account of him to whom he remits, then the risk of standing security finishes with the day of payment; so that in case the acceptant (supposing him to be the person to whom the remittance was made) should fail the very next day after the *bills* became due, and though a formal protest for non-payment be not entered, the loss will fall on the principal, and not on him that remits by commission; but if the acceptant fails before the day of payment, or does timely protest against himself for non-payment, then the loss is the remitter's, because he also is the drawer to him for whose account the draught was made.

104. When a remitter by commission hath orders from his employer to make remittances to some of his correspondents, that he supposes to be substantial men (under the remitter's security) and there to wait the principal's directions, if the said remitter advise him that he has complied with his orders, and mentions to whom he remitted, and the exact sums he paid, he is not obliged to his principal, though the remitted should fail, because the *del credere* hath only respect to the goodness of the *bills*, and not to the solvency of him to whom they are sent; as the money, from the moment of his receiving it, was at the order and disposal of the principal, and this latter, if he trusted the other with it, was a matter of choice, and at his own risk.

105. If a factor has orders to draw on one place, and remit to another with his *del credere*; and cannot recover for his draughts, he must suffer the loss, as his security is for the whole negotiation, and not for the remittances only; and if the *bills* a remitter takes be returned with protest, and he cannot procure immediate satisfaction from the drawer, he may charge him an interest on the money advanced, although he then gives him security for the payment. See here the article ADVICES, which those drawn on by commission must give: also the article ACCEPTANCE for law-causes litigated thereon.

106. He that verbally or by letter has promised to accept of any *bills* drawn on him for a third person's account, and he to whom the promise was made, does, in consequence thereof, give the third person credit, relying on a punctual compliance, in this case he that has engaged his word is obliged to fulfil it, or be answerable for all damages that shall proceed from a breach thereof, and though he cannot by law be compelled to an immediate satisfaction, a regular process will oblige him to pay at last.

107. If a factor has orders from his principal to accept a certain sum drawn by a third for his (the principal's) account at usance, and the drawer having no opportunity of complying therewith at the time, passes his *bills* payable at sight, in such case the factor should not accept them simply, but if he has a mind, may (under protest) accept them for the honour of the drawer, and revalue the same on him, if he continues without orders from his principal how to reimburse himself; but if the drawer should find occasion to draw at half usance when the other half is expired, in such case he is obliged to accept the draughts freely and without reserve.

108. If any one be drawn on in commission, and ordered to redraw the value on some other place, which he cannot comply with, either from no money's offering, or that the exchange is not within his limits, and it does not suit his convenience to be in disburse, he may in such case revalue directly on the drawer, or on any other place, even above the limited course (if he cannot do otherwise) though on the best terms he possibly can for his principal's advantage.

109. When any person drawn on by commission hath accepted the *bill*, and the payment is not demanded when

due, he must, notwithstanding, debit the principal for its value, because he is always obliged to pay it whenever it is asked for.

110. The acceptant of a *bill* on commission, drawn on him at time, may, and must demand of the drawer his accepted *bill*, if this latter should think proper against the time of payment to call it in, and pay its import himself, and the drawer is obliged to restore it; but he should, before he parts with it, clearly express in writing upon it, that he himself called in the *bill* and satisfied it, and he is obliged to allow the acceptant at least half commission.

111. It is incumbent on him to whom a *bill* is remitted in commission, 1st, to endeavour to procure acceptance; 2dly, on refusal, to protest (if not forbidden) though not expressly ordered; 3dly, to advise the remitter of the receipt, acceptance, or protesting it, and in case of the latter to send the protest to him; and 4thly, to advise any third person, that is or may be concerned in it; and all this by the post's return, without farther delay.

112. He that has *bills* remitted to him for the account of a third person, or to be at his disposal, cannot place the said bills either to his own, the remitter's, nor to any other's account, but is obliged to observe the order of him only for whose account and at whose disposal they were remitted.

113. If a *bill* remitted for the account, or to be at the disposal of a third person, is indorsed or made payable at first to the receiver thereof, or to his order, he that receives the *bill*, if he has advised the person for whose account, or at whose disposal it was directed to be, that he hath received such a *bill* for his account, &c. cannot revoke his word to pleasure the remitter, but must attend the order of the said third person; though, if he hath not writ nor advised him thereof, he then may at the request of the remitter (or the remitter at the instance of the possessor) observe the last order, to wait for farther ones.

114. When diverse *bills* are remitted for account of several persons, and previous to the possessor's advising the exact sum appertaining to each particular, one of the remissions should be protested for non-payment, he may, if it suits him, revalue the same on the remitter; and in case he cannot get satisfaction there, the loss will then fall on all the *bills*, to be proportionably divided *pro rata*, on the sums recoverable of the said remissions; and if the remitter stood *del credere* for any, he must lose *pro rata* with the rest.

115. When any one is drawn on for the account of a third person, and accepts the *bill* (under protest) for that of the drawer, advising him expressly thereof by the post's return, then the acceptant may (if he cannot obtain sufficient provision from the principal, or the necessary orders for his reimbursement before the draught falls due) revalue upon the drawer, without being obliged to seek his redress first from the third person for whose account the *bill* was; but if the acceptance *supra* protest, was with the obligation of the drawer, then the acceptant must (if the drawer require it) have recourse first for satisfaction to the said third person, though without being farther obliged than to revalue on him; and if his *bill* be protested, and not accepted or paid, then he hath his redress upon the drawer, who in this case must duly discharge the same.

116. And when provision for such a *bill* (protested with the obligation of the drawer) is not timely made by the person for whose account it was drawn, but instead thereof he gives orders to revalue for the same, either on him directly, or on some other place, the acceptant must in such case, before compliance, consult the drawer (as he is obliged to satisfaction at all events) and hold him bound till the sum to be revalued shall be punctually discharged; and if it is not, but the said redraughts return protested, then the acceptant who paid the original *bills*, and must now satisfy those come back with protest, may revalue the sum, with the charges, commissions, and protest, on the first drawer, who continued obliged to satisfy the same.

117. When a *bill* is accepted *supra* protest, for the account or with the obligation of the drawer, and the acceptant repents of the steps he has taken, as suspicious

of the drawer's compliance with his redraughts, he should in such case suffer the *bills* to return protested for non-payment, after having first advised him of his intentions, that the drawer may take new measures for their discharge.

118. If any one be drawn on for the account of a third person, and accepts the *bill* freely, the acceptant in such case hath no redress on the drawer, who is freed from the obligation of accepting any redraught on him, as the acceptant has discharged him by his free acceptance, and has only recourse for his reimbursement on the third person, for whose account he accepted.

119. When a factor hath occasion to redraw for the principal's account, to reimburse draughts first drawn on him, he may pass his *bills* not only according to order, and within limits, but may exceed the order and limits set him; and if he hath no order, may redraw without it, or even expressly against it in case of need, as he is under no obligation to be in disburse; and in case the principal will not accept his factor's *bills* so drawn, under pretence that they are without, above, or against order, the acceptant must proceed against him in law, and will undoubtedly recover both principal, charges, and damages.

120. In all the exchanges hitherto mentioned, the drawer receives cash from the remitter, for *bills* given him, whose import he obliges himself shall be paid in ready money, at the time, and according to the conditions therein agreed on. But there is yet another sort, called mixt or debt exchanges, wherein the drawer receives no money, but gives *bills* in payment of a debt, and in such negotiations the creditor is deemed the remitter.

121. And such *bills* are made either for the recovery of an old debt, or to assure the payment of a new one, contracted for goods bought on trust; and whether the debtor makes the *bills* payable by himself or another, and whether the debtor and creditor settle the course or not, the debt now changes its nature; and he that gives a bill of exchange, becomes thereby liable to the laws concerning them, and may, upon failure, be prosecuted in a different manner than he could be for a book debt; and therefore a prudent creditor will, on receiving such a *bill*, make an absolute agreement with his debtor concerning the course; and upon receipt thereof, credit his account of goods, and debit his account current for the value.

122. It is unnecessary in most countries to express whether the value of *bills* was paid in monies or in any other commodities (and I think France is the only exception to this rule) if the debtor do but effectually receive it; and he that gives a *bill* for the payment of an old debt, or for goods then purchased, should demand an acquittance from his creditor, acknowledging to have received satisfaction for such a debt, or for such goods, in such and such a bill of exchange, or for so much of the debt as the bill of exchange amounts to; and on the contrary, the creditor must demand a receipt from the drawer, wherein he confesses, to have received the value of such a *bill*, either in an old debt, or goods bought, and for full payment, or in part.

123. When a creditor hath received such a *bill* from his debtor in full or in part of his debt, and it is not complied with when due, he must not be persuaded by his debtor to neglect following the strict course and law of exchange, by protesting, &c. nor should he give the acceptor longer time, though solicited thereto, unless the debtor engages under his hand that it shall in no shape be a prejudice to him, nor annul or lessen the law subsisting against himself, but that the possessor's rights shall be preserved as entire as if he had actually protested in due form and course; for without this the debtor might disown any such order or request, and defy his creditor, after he had neglected to secure the payment by the means the law afforded him.

124. When a *bill* is drawn by order, and for account of a third person, and after being duly accepted, the acceptant fails, the drawer must make good the re-exchange and charges; but for these he hath his redress on him for whose account he drew, and may charge his account therewith, though the said person hath already

made a sufficient provision for it to the acceptor, or hath honoured his redraughts; and if both the acceptant and the person drawn for fail, the drawer hath an action on them separately to recover satisfaction.

125. If a *bill* be drawn, and accepted for the account of a third person, and he on whom it is drawn fails before the said third person hath made him a sufficient provision for its discharge, and if the drawer also fails, then he for whose account the draught was made is freed from any obligation to pay it, though drawn for his account, unless the possessor will give him a satisfactory security to save him harmless, both from the drawer and acceptor, or any of their creditors, assignees, &c. or unless it appears to him that the possessor is satisfied by the acceptant or some others for him, and doth relinquish all pretences to both the acceptant and drawer's effects.

126. When the possessor of a *bill*, payable to his order, fails, and to defraud his creditors, indorseth it to another, who negociates it, and effectually receives the value, indorsing it again to a third, &c. and though the creditors having discovered the fraud, oppose it, yet the acceptant must pay it to him who comes to receive it, on proof that he paid the real value for it; but if the insolvent possessor has made it payable to any other directly, he might probably be allowed a provision; but previous to his recovering the principal, he must clearly prove how and when he paid the value; and must swear, that before the failure of the indorser was known, the said *bill* was, without any collusion or deceit, purchased by and delivered to him; and if he refuses to perform this (on an opposition from the creditors) he cannot legally receive a farthing; and in case he has recovered, he must refund it for the common benefit of the creditors, and must also draw in and indorse the *bill* that he received from the bankrupt possessor with an intent to defraud them.

127. When a *bill* is made or indorsed payable to any person, who, unknown to the acceptor, is become insolvent before the day of payment, if he (ignorant of the possessor's failure) discharge the same, such payment is good and valid; but if he pay to any other upon the possessor's order, after knowing of his insolvency, he exposes himself to the hazard of paying twice, and justly merits such a pecuniary punishment for his indiscreet and unfair proceedings.

128. When the possessor of a *bill* fails, and the acceptor can demonstratively prove that it was remitted for the former's account, or upon account of a debt due to the possessor, either from the remitter, or from any other on whose account the remis was made, in this case the possessor is the true owner and principal of the *bill*, and the acceptant may pay it to him, and he must credit the value to the person for whose account it is; but if the *bill* be for the account of a third, or for the drawer's own account, and neither of them have received any valuable consideration (from the possessor) for it, then it ought to be paid to him, as the insolvent possessor is not the true owner of the *bill*, but merely a demander of satisfaction; and the acceptant should be obliged, when due, to pay the same to the next order of the remitter, or the true owner of the *bill* for whose account it is.

129. If a suspected possessor of a *bill* should fraudulently twice draw in effectually the same *bill*, and give the *first* to one man, with directions where to find the *second* accepted; and the *second* to another, with directions where to find the *first* accepted; in this case he only hath right and title to the money that first procures acceptance (he not finding any accepted *bill* as he was directed) whether it be to the *first* or *second*, it makes no difference, nor whether it was first or last negotiated by the fraudulent indorser.

130. When the possessor of a *bill* is become a bankrupt, and in order to defraud his creditors, or others, conceals the *bill*, which they have good reason to conclude must still remain in his hands, the acceptant is obliged to declare whether he hath accepted such a draught, and if he answer in the affirmative, the creditors, or any other interested persons, may prohibit the acceptor's paying it without their knowledge and consent; and if any one appear at the day of payment, to recover, he must declare and prove, that he is the true possessor of the *bill*, and if none appear, the acceptant is

obliged to pay the import of it to the creditors or assignees of the bankrupt possessor, they giving security that the acceptant shall be no ways prejudiced thereby; or if he scruple doing it on their security, he may deposit it in the hands of justice, for account of the true owners thereof; and if the acceptant refuse compliance, both with the one and the other, the creditors or their assignees may protest against him for non-payment, and send the same to the remitter to procure satisfaction of the drawer, and if he makes none, they may compel the acceptant thereto.

131. When a *bill* is made payable to the order of any person who has failed before it reach him, and he, notwithstanding, on receipt, indorses it, and makes it payable to some other, who demands acceptance thereof, and the acceptant (being ignorant of the failure of the first possessor) duly honours the same; in such case the acceptant (getting knowledge of the bankruptcy of the first possessor, and that this preceded his indorsement thereof) may refuse payment of the value to his order, as the insolvent possessor had no faculty or power, after his failure, to indorse a bill of exchange, and therefore it would be honest and prudent in the acceptant, under such circumstances, to offer payment thereof to the creditors, provided they give him a sufficient security for his indemnification, though if they refuse this, he should suffer the *bill* to be returned with protest.

132. It affords a just suspicion of fraud, when the debtor of a bankrupt pretends a demand on the latter's effects for having accepted and paid a third *bill* (at the insolvent's request) to some of his creditors, whilst his reputation stood yet unimpeached; or that the *bill*, whose third he subscribed, was protested, and he forced to pay the rechange and charges; as the debtor and creditor or possessor of such a *bill* may, by an understanding between them, make many such *bills* to the great detriment of the banker's creditors.

133. When the possessor of a *bill* hath neglected to procure acceptance in time, and the person on whom it is drawn refuses it afterwards, upon account of the drawer's failure, the possessor has no greater privilege or preference to the drawer's effects in the acceptor's hands than the other creditors have, though the drawer drew merely on those effects, and the draught would have been duly honoured if it had been presented, and acceptance demanded, before the failure of the drawer was known.

134. Though the possessor of a *bill* (whose acceptant fails before it becomes due) hath an open account with him, and is his debtor for a greater sum than the *bill* imports, and may now set off its value, yet it would be more prudent in him to protest the *bill* for non-payment, and suffer it to be returned.

135. If the drawer, or the party for whose account a *bill* is drawn, fails before provision is made to the acceptant, then this latter paying at the time, or if not accepted or not paid, but returned with protest, the drawer is intitled to a preference, before all other creditors, upon any of the effects of the insolvent that may be in their hands.

136. When the acceptor of a *bill* hath remitted made him to discharge it, by the person for whose account he accepts, and he, after receiving such remittances, and before payment of the draught on him, fails, then the principal must answer the re-exchange and charges, and be content to come in with the rest of the acceptor's creditors; but if upon the acceptant's failure the remittances are found in his possession unreceived, then the principal, who made them, has a right to their return, and they must be paid to his order; and in case the other creditors have recovered their import since the acceptant became insolvent, they are obliged to repay the same.

137. The possessor of a *bill* protested for non-acceptance or non-payment, whose drawer and acceptant are both failed, must concur with the rest of the creditors, not only for the value that was paid, but also for the rechange and charges, and for the sum that the drawer or acceptant should have paid if they had continued solvent.

138. If both the drawer and acceptant fail, the possessor hath a just right and title to demand payment of both

both their effects; and it is in his option to begin with which he pleases first, and where the appearances are greatest for a speedy recovery; and if one of their effects are not sufficient for satisfaction, he may then get as much as he can of the other's, as they are both obliged.

139. And the same right that he hath to the effects or any thing else appertaining to the insolvent drawer or acceptor, till he hath received satisfaction, he has likewise against any or all the indorsers, if the *bill* be returned unaccepted, and they fail; and if the *bill* be accepted, and the acceptor, drawer, and indorsers should all fail, he may come upon all their effects for satisfaction.

140. The possessor may demand the full sum, with all charges, out of the goods and effects of that insolvent drawer, acceptor, or indorser, where he shall think proper first to make his claim; and what he receives there he must place to account in part of payment of his demands; and if he does not receive full satisfaction, he cannot demand the whole again from another, but only the remainder, and so from one to another till he be entirely satisfied.

141. If the possessor of a *bill*, whose drawer, acceptor, and indorsers are all failed, receives something in part of payment, and the bankrupt's trustees do thereupon demand an acquittance, with the cession of the action to him or them, the possessor should not acquit nor transfer more of his right to them than for the value that he hath received.

142. When the possessor has received from one of the bankrupts part of his demands, and applies to another of them for the payment of the remainder, he cannot cede or transfer his right of action against the person from whom he has recovered part, because he was there admitted into the concurrence of creditors for his whole demand, and accordingly received his proportion; so that though a possessor enter into such a concurrence, and receives as much of his debt as he can get from one of the failed parties, and thereupon doth absolutely discharge him, yet for the remainder he may come upon the other indorsers or drawer, till his *bill* be fully satisfied, only he cannot transfer his action against him whom he hath discharged.

143. When the possessor of a *bill*, whose drawer, acceptor, and indorsers are all failed, does first receive in part of his demands from one of the bankrupts for whose account the *bill* was drawn, but hath either drawn, indorsed, or accepted the *bill* for that of another, without having any effects in hand; then the possessor must enter into an agreement with him who paid in part, jointly to demand of the others (or any one of them) that failed, the remaining sum, with charges.

144. If the possessor of an accepted *bill* dies without leaving executors, or any one to act in his affairs, so that no one hath authority to demand payment of it, or to give a satisfactory discharge, and yet some pretending hereto, apply for its recovery when due, and on refusal protest for non-payment; in this case the acceptant must advise the drawer of all the circumstances, and his motives for non-compliance, who must on his part consult with the remitter to give further orders, or he may deposit the sum in the hands of Justice, to be reserved for the true owners.

145. If the possessor of a *bill* accepted, should agree and compound with the acceptor, and the drawer be the acceptor's debtor for the sum he accepted, though the drawer be thereby discharged from the remitter and possessor, and also from the said acceptor, yet the acceptant can debit the drawer for no more of that *bill* than he effectually paid according to the composition.

146. But if the possessor hath made this composition with the acceptant, without the remitter's order or consent, the remittance being for the remitter's account, the possessor will be liable to answer the whole sum to him.

147. If the drawer or indorsers, being insolvent, deny that the *bills* they have drawn and indorsed, and the acceptant has accepted, were for effects of theirs which the acceptor had in his hands, or that they have since or before acceptance made provision for the discharge there-

of, they must at the instance of their creditors prove the same.

Conditional Exchanges.

Besides the different species of *bills* before-mentioned there are others, called conditional exchanges, being such as the drawer doth not therein absolutely oblige himself to payment but on certain terms agreed on; and in these *bills* the condition must be clearly expressed, and on that the acceptor should accept and pay, else not; wherefore if the condition be not clearly expressed, these kinds of *bills* are like bonds, liable to great disputes and contests.

The accepting a conditional *bill* obliges the acceptor (whether he be the drawer himself, or any other) absolutely to the payment, if the condition agreed upon be performed, or the possessor will oblige himself to the performance.

Though the possessor of such a *bill* is sometimes obliged to perform the condition, and sometimes not; as exchanges grounded on impossible, unlawful, or indecent conditions, are *ipso facto* null and void.

When the possessor is *absolutely obliged* to the performance of the condition, it is not enough for him to mortify or destroy the *bill*, excusing to demand payment thereof, but he is obliged to make good to the acceptant the loss and interest that he, or any other concerned, is like to suffer for the non-performance of the condition.

And on the contrary, when the possessor is *not absolutely obliged*, then if any thing happens without the possessor's fault, that may hinder him from performing the condition, it does not always free and discharge the drawer or acceptant, but he is in such a case obliged to pay the *bill*, though the possessor do not perform the condition, if he will but make good the loss to the acceptor or drawer.

As for example. A of London contracts with B of Leghorn, to provide for him a bale of says, on the most reasonable terms, and to send them to Leghorn at his own (A's) risk, charging B so much *per cent.* (as shall be agreed) for his commission, risk, and disburse, in the invoice, whose import B shall be obliged to pay in eight days after the arrival of the said goods at Leghorn; which agreement being carried into execution, and the says shipped, and invoice sent, A draws the amount on B in the manner following, viz.

London, Jan. 7, 1766.

Exchange for 100l. str. at 51 d. *per* dollar.

Eight days after the arrival of the bale of says, *per* the Goodfellow, captain John Saunders, marked B N^o 1, at Leghorn, pay to C. D. or order, for cost of the same, the sum of one hundred pounds sterling, at fifty-one pence sterling *per* dollar, value in account, and place it to account, as *per* advice from

A.

To Mr. B,
merchant in Leghorn.

And when B has accepted the *bill*, he is obliged to comply with its contents, without any regard had to the rise or fall of the goods, or any other circumstance whatsoever that does not hinder their delivery; but if the says are lost at sea, then the acceptance is null, and the *bill* mortified; yet if they arrive and are delivered, though damaged, B must receive them and pay the *bill*, and afterwards charge A with what the damage shall be rated at, on a survey taken by authority.

Among conditional exchanges may also be reckoned those bills that are given upon account of any wager, or for the assurance of things dubious. And those made upon account of a wager, &c. are either single or reciprocal and mutual. The single ones are such as follows; a person's giving a sum of money to another, who in return gives him a bill of exchange, payable for a larger sum than he received at the day of marriage, surrender of such a besieged town, or any other contingent or uncertain event;

as also to secure a requital for some favour or service done, when the bill may be made as follows, viz.

London, January the 7th, 1766.

Fourteen days after I am nominated a commissioner of the excise (or after I have obtained such a suit of law, &c.) I promise to pay to a A B, the sum of one thousand pounds, &c. C. D.

N. B. *This we think is rather a promissory note of hand than bill of exchange, however, as it is termed this latter by some good authors, we shall not presume to new name it.*

When a conditional bill is not accepted, or if accepted not paid, the possessor must protest, and seek his redress and satisfaction from the drawer; taking care to insert in the said protest, and also to prove that the condition was performed, or that he was ready and willing to perform it, otherwise the protest is of no value.

In case the possessor of a conditional bill, who is absolutely obliged to the performance of its contents, would mortify the sum, and not demand payment to avoid performing the condition, in such case the acceptant may compel him thereto, by depositing the money, and protesting against the possessor's non-performance of conditions and all damages occasioned thereby, and then proceed against him according to the law and custom of exchanges; and the reason is, because he, the possessor, would have acted in like manner against the acceptant, if he had been tardy.

If a condition whereon an exchange contract is grounded was once possible, after the possessor had procured acceptance (if the possessor was obliged to perform it) or after the remitter received the bill from the drawer (provided the former obliged him to a performance) and should afterwards be morally impossible, their neglecting the opportunity makes them liable to satisfy all the damage and loss that the drawer, acceptant, or any other concerned, shall prove they have suffered and sustained by it, because this condition was the cause of the contract.

A condition may be said to be performed, though it be not actually performed by the possessor, if another acts for him and does it by his order, or if another concerned in it acknowledge it as *quasi* performed, and this will oblige the acceptant to pay. As thus, if A pay to B, then pay to C, &c. or if A and B discount, or B confesses himself satisfied, the condition is performed.

Pro forma exchanges.

As *pro forma* exchanges are frequently practised, we shall mention some particulars concerning them in this general treatise of all the different species of bills; and shall first observe, that when any one would draw on his debtor, and avoid the risk of having his bill returned, he may make his draught payable to a friend, or some dependant, and for the greater formality, insert value of some one, though he has received none, and another person's name may be used, as a remitter, with or without his knowledge and consent, or a feigned name may be inserted instead thereof, though this must only be done when the bill is made payable to a third (or any other) person, or his order, for if the bill be made payable to the person whose name is used as a remitter, it must be with his consent and approbation.

When a feigned name is used, or any true name unrequited, and only *pro forma*, the drawer must necessarily advise the person to whom or to whose order it is payable, that the value is only set *pro forma*, and the name feigned or used without the person's knowledge; but if any man's name is inserted with his consent, the bills are usually made payable to his order, who is the remitter *pro forma*, demanding acceptance and payment in his own name, by which means the correspondent needs not know but that the bill is real, otherwise he must be acquainted with the truth, and that the bill was only made *pro forma*.

A man ought to be very circumspect in lending his name to a *pro forma* bill made payable to his order, as such bills cannot be drawn in, nor will be paid without his indorsement; and this, though it be only to pleasure the drawer, and for form sake, will oblige the indorser to the possessor really and absolutely, and not formally only.

When a bill, wherein a person's name is used *pro forma*, is made payable to his order, and drawn in or nego-

tiated and indorsed by him, the possessor must make good the value to him, and not to the drawer, though he knew certainly that the indorser's name is only used *pro forma*; except the indorser, by an order under his hand, direct the holder to make it good to the drawer, or unless the indorser (at the request of the drawer) had indorsed it in blank, in which case the drawer however is obliged to indemnify the possessor from all damage or claims that the indorser might futurely make.

He that, to pleasure his friends, suffers himself to be made the remitter of a *pro forma* bill, and does draw in and indorse it, whether he receives the value himself, and pays or assigns it to the drawer, he ought (though he has no interest in the whole negotiation) to make a minute thereof in his books, at least to enter it in his waste-book, as a memorandum; and to receive the value himself is most prudent, as the drawer's assignment on him for it afterwards will be his acquittance.

When any one draws upon his debtor, and, to prevent loss by protestation, makes the bill payable to the order of some person, who, after acceptance procured, will draw it in, or direct his correspondent to receive it, and for form makes the value received; he should be very cautious whose name he makes use of, and to whom he sends the bill, that in case the said remitter should happen to draw it in, and it should be protested for non-payment, and the indorser prove insolvent, he (the drawer) may not be obliged to satisfy the rechange to the possessor of his bill, without having received any thing for it, or if the same should be paid, he do not barter a bad debtor for a worse, and quite lose his money.

When a drawer dares not draw in the bill (whose value he hath made received *pro forma*) fearing lest the person it is addressed to should not accept it, or not pay it if he did, and therefore makes it directly payable to one living at the same place with his debtor, advising his correspondent that for some particular reasons the value is made received, though only *pro forma*; in this case the possessor should act with prudence and caution in paying the amount of the bill after receiving it, which ought not to be to the drawer, without an express order from the remitter (or the person whose name is used as such) for his so doing, or unless the drawer give him a sufficient satisfaction, and he knows him to be both a solvent and honest man.

Among *pro forma* exchanges, those bills must be reckoned which are drawn on a debtor, and remitted to a creditor of the drawer's, to be paid to his order, value of the same (*pro forma*) and without agreeing any course, only requesting from him to procure payment, and place it (when received) to his account.

A debtor, on giving such a bill to his creditor, should demand a receipt from him for the bill, with an acknowledgment that his name as remitter is only used *pro forma*, and obliging himself, when paid, either to remit or credit it to the drawer, according to the then current course of exchange; but if he cannot recover the bill, he must excuse putting the drawer to any further charge for protests, &c.

And when a creditor admits of such a bill from his debtor, he should take from him an order under his hand, to send the said bill to his correspondent, or to demand himself acceptance and payment, that in case the money should be received by his correspondent, but not remitted to him, or being remitted, the remittances are not paid, or that protests not being made in due form, &c. the debtor may have no room to complain of his creditor, who will by this means avoid exposing himself to the loss that may accrue from the correspondent's mismanagement, which, had he acted without orders, he would be liable to pay.

And if in such a case the debtor fixes the course with his creditor, whether before or after the acceptance is procured, and does credit his account current with the sum; or else when another, whose name is used *pro forma*, agrees for the course with the drawer, and pays him the value, then this exchange loses its *pro forma* nature, and becomes actual and real; and in case of protest the drawer is obliged to make good the rechange and charges.

When such a bill, at the request of the debtor, is by the creditor drawn in, and the value is made him good in account current, the loss by re-exchange and charges appertains to the debtor; but if the creditor draws in the

bill without the drawer's order, the loss must be his, if any happen.

What must be done, when bills of exchange are lost, or mislaid; when without date, or in some parts not legible; when the words and figures differ; when the name of the person to whom payable is altered, &c. and when the direction is forgot?

Bills of exchange are often lost, by being mislaid, the post's miscarriage, or various other accidents; it is therefore customary to give three of the same tenor and date (as has been before observed) and sometimes four or more, concerning which we shall mention some particulars, for our reader's government and information.

When a remitter declares to the drawer, that the *bills* he received are lost, or somehow mislaid, that he cannot find them, and desires him to repay their value, under a satisfactory indemnification from any future prejudice or demands about them; the drawer in this case is not obliged to comply, though the negotiation was for his own account, only he must give other *bills*, and take care that these be exactly the same with the former, differing in nothing, but that, if he had given the first, second, or third before, he now adds the fourth and fifth, though this should not be done neither, after the bills are fallen due, unless the remitter give the drawer sufficient security to bear him harmless.

It is the duty of all possessors of *bills* to have a special care of them, that they may escape the aforementioned accidents; and it would be prudent in every merchant to fill up blank indorsements, as soon as he conveniently can, after receipt, lest he should lose them, and the finder do it for him.

Whenever a possessor discovers that he hath lost a *bill*, he ought instantly, or at least before the day of payment, to advise the acceptor thereof, with the precaution not to pay it to any other than him or his order, and in case another come to recover, to stop it, and advise him thereof.

If the accepted *bill* be the *first*, and is made payable to the order of one at the place of its discharge, and he in whose favour it is intended to draw in the *second*, but has lost the *first* that was accepted, and has no *third* or *fourth*, nor cannot procure them, as the drawer is dead, or absent, &c. yet the sum may be drawn in and negotiated, if the indorser (in case his firm be unknown to the acceptor) sends a full power by letter of attorney (to him he would have it paid to) for receiving it; but if the indorser's hand be well known, and himself in good credit, then a written order to the acceptant for its payment, with an indemnification, will be sufficient.

But it should be remarked as an act of imprudence in an acceptor, to satisfy a *bill* made payable to order (though by him accepted) if that, or another of the same tenor and date, be not indorsed in due form, and delivered up to him (with the accepted one) at the time of payment, tho' demanded by the person whom the remitter or indorser hath empowered for that purpose; though when the accepted *bill* is lost, and the *second* (unaccepted) is regularly indorsed till it come to him to whom it is payable, the acceptant (in such case) is obliged to pay the same when due, upon a sufficient security given him to deliver up the accepted *bill* if it again appeared, or to indemnify him from any future demands for its value.

When any one missees his accepted *bill*, whether payable directly to the possessor or to his order, or if such a one receive advice from his correspondent that he has remitted him *such a sum, in such and such a bill, &c.* though on opening his letter he finds the *bill* is not inclosed, or if the letter and *bill* have miscarried, of whose forwarding he has advice by the succeeding post, and finds that the day of payment draws so near, as to hinder his getting other *bills* in room of the lost one, he may, when it comes, demand payment upon his letter of advice, with the tender of security, to free and discharge the acceptor from any future demands of that sum, by virtue of the lost *bill*; and if the acceptor will not pay on those terms, he may be protected against for re-exchange and charges.

When an accepted *bill*, protested for non-payment, is lost, the drawer is not obliged to make good the re-exchange and charges, unless he obtain sufficient security to indemnify and free him from all future demands, and en-

gage a restoration of the sum with interest, which he shall have paid for the re-exchange and charges, in case it should appear that the *bill* pretended to be lost should afterwards be paid by the acceptor or any other *supra* protest.

When an accepted *bill* is lost or mislaid, the remitter or possessor cannot have immediate satisfaction from either the acceptor or drawer, but must proceed against them in the ordinary course of law, as if it was for some other kind of debt, as a protest cannot be made but upon an accepted *bill*, or the refused offers of indemnity.

Marius advises, that as soon as the possessor of a *bill* missees it, he should have immediate recourse to the acceptor, and in the presence of a notary and two witnesses, acquaint him with its being lost; and signify to him, that at his peril he pay it to none but those with his order; and he adds, that no one should refuse payment of a *bill* he has accepted because it is missing: as he asserts, that protest being made for non-payment, upon the offer of a sufficient security and indemnification, will oblige the acceptant to make good all losses, re-exchange and charges, as the wilful occasioner of them.

If the *first* accepted lost *bill* was made payable to him that lost it, and the *second* (unaccepted) should be made payable to another man, then if the money be really paid when due to him to whom the *first* accepted (though lost) *bill* was payable, such payment is warrantable and good, and the possessor of the *second* can have no demand on the acceptor.

And suppose the said *first* accepted *bill* should be found by a stranger, who demands the money in the name of him to whom it is made payable, or that the true possessor should have assigned it to another, and taken up the value, yet neither can have any demands on the acceptor, if previous thereto he has paid it to whom it was payable (tho' without the accepted *bill*) under a proper security and indemnification.

If a *bill* of exchange be lost by him with whom it was left for acceptance, or that he hath by mistake given it to a wrong person, or by any other chance or intention the possessor cannot obtain a return of his *bill*, neither accepted nor unaccepted, he that lost it is obliged to give the person to whom it was payable or to his order, a note of hand for payment of its amount on the day it becomes due, upon delivery of the *second*, if it arrives in time, or if not, upon the said note, which in all cases is to have the law and privilege of a *bill* of exchange; and if the acceptant refuse this, the holder must immediately protest for non-acceptance, and when due must demand the money (tho' he has neither note nor *bill*) which if refused, a protest must be regularly made for non-payment.

The possessor of a *bill* should be careful that it be sent to the place of payment in time for its recovery, and not detain it to the last moment, as the irregular arrival of the post may hinder it from getting there till after due, in which case a protest will be insignificant in regard to its recovery of the drawer, as this was not timely demanded; and therefore he that constitutes himself another's agent, and admits *bills* to solicit their recovery, and neglects demanding payment when they are due, or if refused, omits protesting, will be obliged to make good the damage that shall accrue through his remissness.

He that is possessor of a *bill*, which only says (*pay*) without mentioning the time when, or that it is without a date, &c. so that the certain precise time of payment cannot be calculated or known, must be very circumspect, and demand the money whenever there is any probable appearance of the time's being completed that was intended for its payment, or that he can demonstrate any circumstance that may determine it, or make it seem likely when it should be paid.

When a person hath a *bill* sent him to demand acceptance, with directions to hold it at the order of the *second*, and if the same is not produced (properly indorsed) at the time it becomes due, nor the *first* asked for, the possessor of this may demand payment thereof, on giving security to produce the indorsed *bill*, and in case of refusal he may protest for non-payment, and such a protest is of validity against the drawer; but yet if he that hath the *bill* omits to demand payment, and to protest, he is no ways culpable nor responsible, but the detainer of the indorsed *bill* may thank himself for his carelessness.

Though a *bill* be not indorced, or the indorsement not right, but something wanting in it, yet the possessor is allowed to demand payment, and the acceptant is obliged to make it, upon delivery of the two *bills*, if he will under his hand and seal oblige him to procure the third properly and truly indorced.

If, through mistake, the words and figures describing the sum in a *bill* of exchange differ, the former are to be preferred, until farther advice clear up the disagreement; as it is more material to suppose that a man may mistake in making a few figures than in writing several words, and the former at the top of the *bill* only serving to express an abbreviation of the latter wrote at length in the body, and are indeed the very substance of it, and therefore more particular regard ought to be had to them than the others; and for the same reason, though the sum figured in the letter of advice and *bill* do agree, the words in the body of the *bill* should determine the affair, at least till the certainty can be known.

And if the name of the person to whom the *bill* is payable should be altered, erased, or interlined before acceptance, this will not justify the acceptor's refusal to pay it when due to the person whose name has been so mended or interlined, as he must or ought to have taken notice of such an essential particular, when he accepted the *bill*, and should have started the objection, and satisfied himself about it before accepting, as this obliges him to a compliance, even though he should aver that the amendment or interlining was made after, except he can prove it, which it will lie upon him to do.

If the direction on a *bill* of exchange be forgot, but the remitter advise his correspondent on whom it was intended to be drawn, the possessor may demand acceptance, and in case of refusal, protest against the drawer, and recover the charges of him; and in case the person drawn on have a letter of advice from the drawer, desiring him to accept such a bill, he may safely do it, though it comes without a direction.

Nature of bills of exchange payable at fairs.

Another method of exchange, very different from all those before-mentioned, is that by *bills* on marts and fairs; and though the English have very little concern in these negotiations, it was thought not foreign to our design of giving our readers a general notion of exchanges, to describe the nature of those particular ones; which we shall do in speaking of a few of the most considerable, and from these a just idea may be formed of all the rest.

There are many fairs in Europe, where business for very great sums is transacted; as at Lyons, Rheims, Rouen, Bourdeaux, Troyes, St. Denis, Dieppe, Toulon, &c. in France; Francfort (upon the Main) Leipzick and Naumbourgh, in Germany; Bolzano, in the Ferol; and Novi, subject to the Genoese; with divers others unnecessary to be mentioned here; but we shall limit what we have to say concerning them in regard to *bills*, to those of Lyons, Francfort, Leipzick (or Leipzig) and Naumbourgh, being the most considerable of all others.

There are yearly four fairs at Lyons, in which each hath its payment of *bills*, bearing the name of the preceding fair; the *first* is that of the Epiphany, which always begins in January, the Monday after the *twelfth* day; the *second* is Easter fair, beginning on St. Nisier's day, in April; the *third* is August fair, which begins on St. Dominick's day, in that month; and the *fourth* is the fair of All-Saints, beginning on St. Hubert's day, in November; and as each fair has its payment, the major part of the *bills* on this city are not made payable in fair-time; and though they should be, they will only be discharged afterwards in the payment of that fair, which payments are regulated as follows, viz.

The payment of the Epiphany begins the first, and ends the last of March; that of Easter begins the first, and ends the last of June; that of August begins the first, and ends the last of September; and that of All-Saints begins the first, and ends the last of December; so that when *bills* are drawn to be paid at one of these appointed times at Lyons, that is not yet begun, the drawer says, *pay this my first exchange, &c. in the next Epiphany payment, or in the next Easter payment, &c.* but if the payment is already begun, the *bill* must then be drawn payable in this current (or pre-

sent) payment of Epiphany, or this current payment of Easter, &c.

It was customary formerly to make the *bills* drawn from Amsterdam and elsewhere, on the payments of Lyons, in golden crowns of the sun; but as this specie has been long since decried in France, the present usage in exchange is to draw on the payments of Lyons, as is practised in all other parts of that kingdom, viz. in crowns of sixty sous.

The *bills* drawn in the above manner are to be accepted in the six first days of the payment they are made payable in, and the person they are drawn on is not obliged to declare whether he will or will not accept till the sixth day, but after that day the bearer may protest them for non-acceptance, though he should detain them during the whole time of that payment, to see whether any one offers to discharge them, however the protest should be immediately forwarded to the remitters; and if any one pays a *bill* of exchange in the time of the payment, before the sixth day (or if this be a feast, the day following) it will be at his own risk.

The bearer of *bills* not satisfied by the last day of any payment, must protest them on the third day after the payment finishes, otherwise they will lose their right against the drawers; but if this is done in form and in the time prescribed, the holder may afterwards refuse payment from any one that offers it, and take his reimbursement on the drawers, both for principal and charges.

And the said possessors of *bills* are obliged to take their reimbursement on the drawers or indorsers in a time limited, viz. for all *bills* drawn from any part of France, in two months; those which are from Italy, Switzerland, Germany, Holland, Flanders, and England, in three months; and those which are drawn from Spain, Portugal, Poland, Sweden, and Denmark, in six months, to be counted from the date of the protest; and in default thereof, they will lose their right against the drawers or indorsers.

FRANCFORT has two annual fairs of great resort, viz. the *first* is the fair of Easter, beginning the Sunday before Palm-Sunday, that is fifteen days before Easter; and the *second* is the September fair, which commences the Sunday preceding the birth of the Virgin Mary (which is the 18th of September) if this feast happens on Monday, Tuesday, or Wednesday, but if it falls out on Thursday, Friday, or Saturday, then the fairs do not begin till the Sunday following, or on the Sunday which that festival may fall on.

Each of these fairs lasts fifteen days or a fortnight; the first week is appointed for accepting, and the second for paying the *bills* of exchange; the acceptance payable in fair-time is made from the Monday of its opening to the Tuesday of the succeeding week at nine o'clock in the morning, after which hour the possessor of a *bill* is no longer obliged to wait for payment, but should protest, or at least note it for non-acceptance, which indeed he may do from the moment that acceptance is denied.

Bills on these fairs were formerly accepted verbally, but they must now be accepted in form as other *bills* are by subscription of the acceptor's name, with the day of its acceptance; and when a *bill* thus accepted is not satisfied before Saturday noon in the week of payment, the bearer is obliged to protest it for non-payment, by carrying it to the notary established for that purpose, between two o'clock and sun-set, that he may note it, after which he must send the protest per first post.

LEIPZICK has three fairs yearly; the *first* being called the *New-year's* fair, commences on the first of January (or on the second, if the first be on a Sunday;) the *second* is at Easter, beginning always on the Monday three weeks from that feast; and the *third* begins on the first Sunday after St. Michael, whether that day happens on a Sunday or not.

These fairs are opened on the appointed days by the ringing of a bell, which rings again eight days after to finish them; so that these eight intermediate days between the two ringings is properly the fair, and the acceptance of *bills* is demanded on the first or second of these days; but if the persons on whom they are drawn have a mind to defer their acceptance till the week of payment, they may; which week begins immediately after the bell has rung to end the fair, and lasts till the fifth day following inclusive; so that the *bills* on the *new-year's* fair ought to be

be paid the 12th of January, and those on the fairs of Easter and Michaelmas the Thursday in the week of payment, otherwise to be duly protested.

It is permitted to the holders of *bills* to protest them for non-acceptance (immediately on refusal) but not to return them; on the contrary, they are obliged to keep them till the fair is entirely finished, and see if any one offers payment; and as what is called the *convoy of Nuremberg* departs from Leipzick at ten at night of the protesting day, there is no room to make one after that hour, and the possessors will forfeit their right against the drawers if they let the time slip.

NAUMBOURGH holds a very considerable fair yearly on the feast of St. Peter and St. Paul, which is commonly reckoned as the fourth of Leipzick, because the generality of the merchants attending the one have recourse to the other: this fair begins on the festival of the said two saints, being always the 29th of June, and it only lasts eight days; *bills* are accepted on the first and second days of the fair, and ought to be paid on the third of July at farthest, or protest for non-payment; but it is not customary to return them with the protest till after the fifth of the said month, on which day the fair ends; and if the *bills* are not then paid, the holder may send them back by the first post.

As the preceding exchanges differ from all others, we shall here add a few necessary observations for the government of those who engage therein; and as it is certain that the greatest part of them who take bills on fairs do it with the lucrative view of employing their money to greater advantage than common, either by negotiating the said *bills* when the time of the fairs or payments approach, or by sending them to the places drawn on to be recovered and remitted them, which is commonly done with a considerable profit; but as there is indisputably a much greater risk in taking *bills* on fairs, than on places where their goodness or validity must be immediately known, those who take them on the former cannot act with too much caution in regard of the drawers.

And the reason is very apparent to any one who seriously reflects on such negotiations; for suppose I take a *bill* of exchange upon Lyons, payable at three usances, dated the 22d of April, I can immediately send it forward, and in a little time have the advice of its acceptance, when I have two debtors or securities, viz. the drawer and acceptant; whereas if I take a *bill* of the same date, payable in the payment of Easter fair, which finishes the 31st of July, and is the same day, as the last of grace or respite, to the abovementioned *bill* taken at three usances, and whose success (whether it will be accepted or not) I cannot learn till about the 13th or 14th of July, because (as before observed) the *bills* drawn upon the payments of Lyons are only accepted during the first six days of payment; now if from the 22d of April to the beginning of July the drawer of my *bill* fails, I have great reason to believe it will neither be accepted nor paid; whereas if that drawn at the three usances is not accepted, I shall know towards the 8th or 9th of May, and may have my recourse against the drawer, who may be in a better condition then to give me satisfaction or security than the 13th and 14th of July, or the 10th or 11th of August, after getting my *bill* with protest for non-payment; and this may suffice for what regards the payments and exchanges on fairs.

Acts in force relative to inland bills of exchange.

By *Will.* 9. and 10. c. 17. s. 1. All *bills* of exchange drawn in, or dated from any place in England, &c. of the sum of 5 l. or upwards, upon any person in London, or any other place (in which bills the value shall be expressed to be received) drawn payable at a certain number of days, &c. after the date thereof, may, after acceptance (which shall be by underwriting under the party's hand) and the expiration of three days after the same shall be due, be protested by a notary public, or, in default of such notary public, by any other substantial person of the place, before two witnesses, refusal or neglect being first made of due payment; which protest shall be made under a copy of the said *bill*, in the form following:

Know all men, that I A. B. on the _____ day of _____ at the usual place of abode of the said _____ have demanded payment of the bill, of which the above is the copy, which the said _____ did not pay; whereof I, the said _____ do hereby protest the said bill.

Dated at _____ this _____ day of _____

Sett. 2. Which protest shall be notified within fourteen days after, to the party from whom the *bills* were received, who (upon producing such protest) is to repay the said *bill*, with interest and charges from the protesting; for which protest there shall not be paid above six-pence; and in default of such protest, or due notice within the days limited, the person so failing shall be liable to all costs, damages, and interest.

Sett. 3. If any such inland *bills* be lost or miscarry within the time limited for payment of the same, the drawer of the said *bills* shall give other *bills* of the same tenor, security being given (if demanded) to indemnify him, in case the said *bills* so lost or miscarried, be found again.

By 3. and 4. *Ann. Cap.* 9. s. 1. All notes signed by any person or persons, body politic or corporate, or by the servant or agent of any corporation, banker, goldsmith, merchant, or trader, who is usually intrusted by them to sign such promissory notes for them, whereby such persons, &c. shall promise to pay any other person, &c. or order, or bearer, the money mentioned in such note shall be construed to be, by virtue thereof, due and payable to such person, &c. to whom the same is made payable. And also such note payable to such person, &c. or order, shall be assignable over in manner as inland *bills* of exchange are, by custom of merchants; and the person, &c. to whom such money is payable, may maintain an action for the same, as they might upon such *bills* of exchange. And the person, &c. to whom such note so payable to order is assigned or indorsed, may maintain an action against the person, &c. who signed, or any who indorsed the same, as in cases of inland *bills*, and recover damages and costs of suit; and in case of nonsuit, or verdict against the plaintiff, the defendant shall recover costs.

Sett. 2. Such actions shall be brought within the time appointed for bringing actions, *per 21 Jac. cap. 16. for limitation of actions.*

Sett. 3. No body politic shall have power to give out notes, other than they might before this act.

Sett. 4. In case the party on whom an inland *bill* of exchange shall be drawn, shall refuse to accept the same, by underwriting the same, the party to whom payable shall cause such *bill* to be protested for non-acceptance, as in case of foreign *bills*, for which protest shall be paid 2 s. and no more.

Sett. 5. No acceptance of such inland *bill* shall charge any person, unless underwritten or indorsed; and if not so underwritten or indorsed, no drawer to pay costs, damages, or interest, unless protest be made for non-acceptance, and, within fourteen days after protest, the same be sent, or notice thereof given, to the party from whom such *bill* was received, or left in writing at his usual place of abode. And if such a *bill* be accepted, and not paid within three days after due, no drawer shall pay costs, damages, or interest thereon, unless protest be made and sent, or notice given as aforesaid; nevertheless the drawer shall be liable to payment of costs, damages, and interest, if any one protest be made for non-acceptance or non-payment, and notice be sent, given, or left.

Sett. 6. No such protest shall be necessary for non-payment, unless the value be expressed in such a bill to be received, and unless the bill be drawn for 20 l. or upwards, and the protest shall be made for non-acceptance by persons appointed *per Will.* III. cap. 17.

Sett. 7. If any person accept such *bill* of exchange in satisfaction of any former debt, the same shall be esteemed a full payment, if he doth not use his endeavour to get the same accepted and paid, and make his protest for non-acceptance or non-payment.

Sett. 8. Nothing herein shall discharge any remedy that any person may have against the drawer, acceptor, or indorser of such *bill*.

Sett. 9. This act shall continue for three years.

Made perpetual by 7 *Ann. cap.* 25.

These acts have greatly altered the nature of inland *bills* from what it was before the enacting of them; and we shall now mention a few tried cases concerning them and foreign ones, and but a few, as most of the controversies we have looked over about them have been decided in conformity with the different obligations of every person concerned in the various transactions of this branch of business, according as above stated.

Adjudged cases.

A writ of error was brought on a judgment by *nil dicit* in an action against the drawer of an inland *bill* of exchange, and it was objected that since the act of 9 *Will.* III. no damage shall be recovered against the drawer upon a *bill* of exchange, without a protest, and therefore the action lies not, there being no protest.

But *Holt* C. J. The statute never intended to destroy the action for want of a protest, but only to deprive the party of recovering interest and cost upon an inland *bill* against the drawer without notice of non-payment by protest: for before the statute there was this difference between foreign and inland *bills* of exchange; if a *bill* was foreign, one could not resort to the drawer for non-acceptance or non-payment without protest, and reasonable notice thereof. But in case of an inland *bill*, there was no occasion for a protest; but if any prejudice happened to the drawer, by the non-payment of the drawee, and that for want of notice of non-payment, which he to whom the *bill* is made ought to give, the drawer was not liable; and the word *damages* in the statute, was meant only of damages that the party is at of being longer out of his money by the non-payment of the drawer, than the tenor of the *bill* purported, and not of damages for the original debt: and the protest was ordered for the benefit of the drawer; for if any damages accrue to the drawer for want of protest, they shall be borne to him to whom the *bill* is made; and if no damage accrue to him, then there is no harm done him, and a protest is only to give a formal notice that the *bill* is not accepted, or is accepted and not paid; and if in such case the damage amount to the value of the *bill*, there shall be no recovery, but otherwise he ought not to lose his debt; but that ought rather to appear by evidence upon *non assumpsit*, or by special pleadings; and the act is very obscurely and doubtfully penned, and we ought not by any construction upon such an act to take away a man's right. And the judgment was affirmed *per totam curiam*.

In an action on the case of an inland *bill* of exchange brought by the indorser against the drawer, it was objected, that there was no averment of the defendant's being a merchant; but it was answered and resolved by the court, that the drawing of the *bill* was a sufficient merchandizing and negotiating to this purpose. *Salk.* 125.

Acceptance of a *bill* of exchange after the day of payment is past is usual. *L. Raymond*, 364. 474.

So acceptance for the honour of the drawer, &c.

To intitle the party to an action at law in England against the acceptor of a *bill*, it matters not whether there be a protest; but to intitle the party to a recovery against the drawer beyond the seas or elsewhere, there must be a protest before a notary publick.

A *bill* may be accepted for part when the party on whom it was drawn had no more effects of the drawer's in his hands, though whenever this happens, there must be a protest for non-acceptance, if not for the whole sum, yet at least for the residue; and after payment of such part there must be a protest for the remainder, as the receiving part of the money upon a *bill* does no ways weaken it. *Trin.* 20. *Car.* II. in *B. R.*

It is asserted by *Molloy*, *Scarlet*, *Marius*, and others that have treated of *bills* of exchange, that any time before the money become due, the drawer of a *bill* may countermand the payment although it hath been accepted, and this is usually made before a notary, though, if it comes only under the party's hand, they allow it to be sufficient, and in case of discount, or payment before it is due, they suppose the acceptor liable to pay it again in case of a countermand; from all which we must dissent, as this absolutely oversets the validity of all acceptances.

When a *bill* beyond seas is accepted, and not complied with when due, the protest for non-payment by a notary

is sufficient to shew in court here, without producing the *bill* itself; but if a *bill* in England be accepted, and a special action grounded on the custom, be brought against the acceptor at the trial, the plaintiff must produce the *bill* accepted, and not the protest, otherwise he will fail in his action at that time; therefore it is safe that a *bill* once accepted be kept, and only the protest for non-payment be remitted abroad.

If a *bill* is not accepted to be paid when due, but for a longer time, the person to whom the *bill* is made payable must protest the same for not being accepted according to the tenor, yet he may however admit the acceptance; nor can the acceptor, if he once subscribes the *bill* for a longer time, revoke his acceptance, or blot out his name, although it is not according to the tenor of the *bill*; for by this act he hath made himself debtor, and owns the draught made by his friend upon him, whose right another man cannot give away, and therefore cannot discharge the acceptance; and this case will admit of two protests, if not three, viz.

1. One protest must be made for non-acceptance, according to the time the *bill* is payable at.
2. For non-payment when due, according to the *bill's* tenor.
3. If the money be not paid according to the time that the acceptor subscribed for.

A *bill* was drawn payable on the 1st of January, and the person to whom it was directed accepts it to pay on the 1st of March, with which the servant returns to his master, who perceiving this enlarged acceptance, strikes out the 1st of March, and puts in the 1st of January, and at that time sends the *bill* for payment, which the acceptor refused; whereupon the possessor strikes out the 1st of January, and inserts the 1st of March again: in an action brought on this *bill*, the question was, whether these alterations did not destroy the *bill*? and ruled, that it did not. *Per* L. C. J. *Pemberton* inter *Price* and *Shute*. *Pasc.* 33. *Car.* II. in *B. R.*

A *bill* of exchange, payable to a person or bearer, is not assignable, so as to enable the indorsee to bring an action, if payment be refused; but when it is made payable to a person or order, an express power is given thereby to assign, and the indorsee may maintain an action; and the first is a good *bill* between the indorser and indorsee. 1 *Salk.* 126.

The acceptance of a *bill*, although after it is become due, is binding to the acceptants, and action is maintainable thereon; the effect of the *bill* being the payment of the money, and not the day of payment. *Cartwright's Rep.* 460.

When a *bill* of exchange is accepted, it is a good ground for a special action upon the case, but it doth not make a debt, &c. *Show.* 12.

Indebitatus assumpsit doth not lie against the acceptor of a *bill* of exchange, because his acceptance is a collateral engagement, though it will lie against the drawer, and a general *indebitatus assumpsit* will not lie on a *bill* of exchange for want of a consideration; and therefore must be a special action upon the customs of merchants, or an *indebitatus assumpsit* against the drawer for money by him received to the plaintiff's use. 1 *Salk.* 23. *Ibid.* 125.

In the case of *Bromwich* and *Lades*, it was said by the chief justice *Treby*, that *bills* of exchange were of such general use and benefit, that upon an *indebitatus assumpsit*, a *bill* of exchange may be given in evidence to maintain the action; and by Mr. justice *Powel*, that upon a general *indebitatus assumpsit* for monies received to the use of the plaintiff, such *bill* may be left to the jury to determine whether this was for value received or not. In this case the declaration was on the customs of merchants and a general *indebitatus assumpsit* thereon. See the declarations and exceptions to it, in the case of *Bellasis* and *Hester*, in 1 *Lutwiche*, 1589.

If a *bill* of exchange is drawn on two or more persons in these terms, *To Mr. A. B. and C. D. merchants in London*, they ought both to accept the *bill*; for the acceptance of only one, is not complying with its tenor, and it should be protested; but if it come directed to *A. B. and C. D.* or to either of them; or thus, *To A. B. or in* *his*

his absence to C. D. in this case, the bill being accepted by either, it is sufficient.

A note is no payment where there was an original and precedent debt due, but shall be intended to be taken upon condition that the money be paid in a convenient time; but the taking a note in writing for goods sold may amount to payment of the money, because it is part of the original contract. *Mich. 2 Ann. 3 Salk. 118.*

A servant of Sir Robert Clayton and Mr. alderman Morris (but at that time actually gone from their service) took up two hundred guineas of Mr. Monck, a goldsmith (who knew nothing of his being discarded) without any authority from his *quondam* masters, who refusing to satisfy Mr. Monck for the same, he brought an action against Sir Robert and Mr. Morris, and being tried at Guildhall, it was ruled *per Keeling*, chief justice, that they should answer, and there was a verdict for the plaintiff; and though there were great endeavours used to obtain a new trial, yet it was denied; the court at Westminster being fully satisfied that they ought to answer, for this servant had frequently received and paid cash for them; and they were obliged to comply, and paid the money. See *BANKERS*, for their notes not being accounted cash till received.

A person who is no merchant, drawing a bill of exchange, makes him within the custom of merchants as to that bill. *2 Vent. 310. Witherly a Sarsfield.*

If the drawer mentions, for value received, he is chargeable at common law; but if no such mention, then you must come upon the custom of merchants only. *1 Show. 5. 125.*

Concerning a bill of exchange being extended for the king, judgment for the plaintiff notwithstanding. *Evans a Cramlington. 2 Vent. 310. Carth. 5. Show. 264.*

Part of a bill of exchange cannot be assigned so as to entitle the indorsee to an action; if it were otherwise, the party might be vexed with as many actions as the holder of the bill should think fit. *Hawkins a Gardner. Carth. 466. Cases B. R. 213.*

It is not necessary to prove a protest made by a public notary, for that would tend to destroy commerce, and public transactions of that nature. *3 Sal. 70. Cases B. R. 346.*

I promise to pay the bearer so much money on demand, is no bill of exchange, and declaring on the custom will not make it so. *Cases B. R. 380.*

A goldsmith's note, accepted in payment, shall not be a payment, if the party who gave it knew the goldsmith to be in a failing condition, for such knowledge makes it a fraud. *Ditto 517.*

Infancy pleaded by the drawer of a bill of exchange, and held a good bar, being drawn in the course of trade, and not for necessities. *Williams a Harrison. Carth. 160. 3 Sal. 197.*

An action was brought upon a note, for the payment of sixty guineas when the defendant should marry such a person, in which the plaintiff declared as upon a bill of exchange, setting forth the custom of merchants; and it was held, that to pay money upon such contingency cannot be called trading, and therefore not within the custom of merchants; and judgment was given for the defendant. *Pearson a Garret. 4 Mod. 242. Comb. 227. Skin. 398.*

A note was in this form: *I promise to pay J. S. or order, the sum of one hundred pounds, on account of wine had of him.* J. S. indorset it, and the indorsee brings an action against the drawer, and declares upon the custom of merchants; and doubted by Holt whether action would lie, and advised with merchants, who declared that such notes had been in use thirty years, and that they looked upon them as bills of exchange, but *cur. avisare vult.* *Buller a Crips. 6 Mod. 29.*

Holt declared he remembered when actions on bills of exchange first began.

A note drawn by J. P. whereby he promised to pay twelve pounds ten shillings to J. W. on a day certain; and he indorset the note for value received to D. F. who indorset it to the plaintiff for value received, who brought an action against J. W. setting forth the custom of merchants; and held the action lay. *Williams a Williams. Carth. 269. See ACTION on a bill of exchange.*

Forgery of a bill of exchange, &c. made felony.

By *stat. 2 Geo. II. cap. 25. sect. 1.* it is enacted, that if any person shall forge, or procure to be forged, or assist in forging any (*inter alia*) bill of exchange, promissory note for payment of money, indorsement, or assignment of any bill of exchange, or promissory note for payment of money, or any acquittance, or receipt for money or goods; or shall utter or publish, as true, any such forged bill, &c. knowing the same to be forged, with an intent to defraud any person; every such offender shall be guilty of felony without benefit of clergy. And,

By *statute 7 Geo. II. cap. 22.* if any person shall falsely make, alter, forge, or procure to be falsely made, &c. or assist in falsely making, &c. any acceptance of any bill of exchange, or the number, or principal sum of any accountable receipt for any note, bill, &c. or any warrant, or order for payment of money, or delivery of goods, or shall utter or publish any such false acceptance, bills, &c. with intent to defraud any person; every such offender shall suffer as a felon, without benefit of clergy.

Letters of credit, a species of bills of exchange, their nature and form.

Letters of credit being a species of bills of exchange, and equally binding with them, we shall speak of them under this head, as the proper place; and presume it will be needless to counsel our readers to be very circumspect in giving them, as their honour and credit is as much concerned for the punctual repayment of whatever sums are advanced in consequence thereof as they would be for the discharge of a bill of exchange.

These letters are of two sorts, viz. *general* and *special*, and both given to furnish travelling persons with cash as their occasions may require; they are commonly open or unsealed, and contain an order from the writer to his correspondent or correspondents, to furnish the bearer with a certain sum, or an unlimited one; and the difference between them is, that the former is directed to the writer's friends at all the places where the traveller may come (though it is now customary to give separate letters to each place) and the other directed to some particular one; obliging himself for the repayment of whatever monies shall be advanced in compliance with the credit given, on producing a receipt or bill of exchange (which he thinks proper to have) from the person credited.

If any money is advanced on either species of letters, and bills of exchange for the sum on the person who wrote them, he is obliged to accept and pay the same; and in case of refusal he may be compelled thereto, rather than the drawer, as the remitter in the loan of his cash had more regard to his correspondent's sufficiency than the drawer's, whom it is probable he knew nothing of; therefore in this respect, the person giving the credit is to be reputed as the drawer.

And as the giver of these letters is so obliged for the punctual repayment of the money advanced, we repeat that he ought to be very cautious to whom he gives them, more especially those without limitation, as these in the hands of a dishonest person may prove his ruin; and as it is hardly possible that he that requests the credit should be ignorant of what cash he shall want (at least with a little difference) we think the compliment (for it can be nothing else) of an unbounded credit should be excused, as it is really of no service either to him that pays, or to him that receives it.

Advice by post should always follow a letter of credit, and duplicates of it accompany such advice; and it would be prudent therein to describe the bearer, with as many particulars as possible, for fear he should lose or be robbed of his credentials, and a stranger reap the effects of them. These letters are wrote in various forms, and though a copy may be superfluous to most of our readers, yet the prospect of its being serviceable to some few, we hope, will plead our excuse for adding it here.

Mr. Abraham Honefty,

London, Jan. 3, 1766.

SIR,

This is designed to accompany (or kiss your hands by) Mr. John Stevens, and to request your furnishing him

with a thousand dollars of your money (or with as much cash as he shall require of you, if you give an unlimited credit) for which please to take bills on me, or on any other he shall think proper to draw them; and I do hereby oblige myself for their punctual discharge, and remain,

Your most humble servant,

W. B.

To Mr. Thomas Richardson,
merchant, in London.

Of the different dates and times, for which bills of exchange are drawn, and when payments are due.

The time of paying bills is always settled between the drawer and remitter, sometimes on a certain fixed and appointed day, or at sight, or so many days after sight, or so many days, weeks, or months after date; at usance, half usance, usance and half, and two or three us's or usances.

A bill payable at a certain day, is due on the day mentioned, according to the stile of the place it is drawn on, not where it is drawn from; so that a bill from Amsterdam, made payable at Hamburgh on the last day of November, is to be understood that day old stile, and *vice versa* for a bill drawn in the same manner from Hamburgh to Amsterdam.

If bills are made payable at some days after sight, acceptance is dated on the day they are presented, and from thence the days of their running are counted; but if they are made payable at sight, they are to be satisfied without any days of grace to be allowed.

If a bill be made payable some weeks after date or sight, the weeks must be reduced into days, and in counting these the almanack should be consulted; and if a bill is drawn to be paid one or two months after sight or date, then the day of payment falls on the same day in the succeeding month, &c. from that in which the bill was presented or dated, although months differed in the number of their days. *As for example*, a bill dated the 7th of January, and payable a month after date, is payable the 7th of February (not the 8th) and a bill dated the 30th of January, to be paid a month after date, becomes due on the last day of February, though this month hath not so many days in it as the other.

And when a bill is dated according to the old stile, payable a month after date in a place where the new stile is observed, it does not always fall due a month after the old stile date, as will be proved by supposing the bill dated the 25th of April, O. S. payable a month after date, in a new stile country, and it does not fall due on the 25th of May, O. S. (which is the 5th of June, N. S.) but on the 6th, for when the bill was dated it was the 6th of May, N. S. which ought to be well observed, as this will make a difference of two days in leap-years, and of three in others.

A bill made payable a month after date from the 28th February, falls due on the 28th of March; but if it be dated *ultimo Feb.* then it is not due till the *ultimo March*, and the same in June and July, as the one hath thirty, and the other thirty-one days.

Bills made payable here at sight have no days of grace allowed; but if it is but one day after sight, the acceptor may claim them, though this ought not to be practised in countries where the respite days are many.

To reckon the precise time of a bill's payment (made payable after date) it is necessary to calculate the difference between the old and new stile, and to know what usance is in every country; and for our readers information herein, the following places observe the new stile, viz. Amsterdam, Dordrecht, Haerlem, Leyden, Rotterdam, and all the United Provinces of Holland; as also Middleburgh, Ulissingen in Zealand; Antwerp, Bruges, Dornick, Ghent, Ryssel, Brussels, Valenciennes, and all Brabant, Flanders, and Artois; Paris, and all France; Spain, Portugal, and all Italy; Augsburgh, Crembes, Lintz, Vienna, and several places of the empire; Breslaw, and all Silesia; Cologne, Dantzick, Koningsburgh, Thorne, and all Poland; and since the 1st of January, 1752, Great-Britain and Ireland.

The places that observe the old stile are,

Muscovy, the electorate of Brandenburg, Denmark, East-Friezeland, Francfort (on the Main), Geneva, and the protestant cantons of Switzerland, Hamburgh, and all Holstein; Lubeck, and all Meclenburgh; Leipzick, Magdeburgh, Naumbourgh, and all Saxony; Riga, Stockholm, and all Sweden; Strafsburgh, &c.

The popish electorates and principalities of Germany observe the new stile, and the protestant ones continue the old; and as the reason of this difference may not be so generally known, we beg leave to intrude so much on the patience of that part of our readers who are acquainted with it, as to inform those that are not, which we shall do in a few words.

Julius Cæsar, desirous of rectifying the erroneous computation of time that had prevailed till then, undertook the reformation; and as the year was corrected by him, the vernal equinox (which reduces day and night to an equal length all over the globe, except just under the pole) happened in 325 to fall upon the 21st of March; and from this the Nicene council (being then sitting) regulated the terms for Easter's observance. But pope Gregory XIII. observing in the year 1582, that the equinox was changed from the 21st to the 11th of March, ordered ten days to be deducted from the calendar, and the 11th to be counted the 21st; which edit was generally observed by the nations acknowledging the supremacy of the see of Rome, but did not obtain universally, as most of the protestant countries continued to reckon their time as formerly; and this gave rise to the different ways of computation that now obtain in Europe, distinguished by the Julian and Gregorian calendars; and we have only to add, that since the time of pope Gregory, the equinox has changed a day, viz. from the 11th to the 10th of March; so that the difference between old and new stile is now eleven days.

Different usances of bills of exchange, and days of grace at several places.

Usance from London to any part in France is thirty days, (this being declared to be a month in regard of exchanges in that kingdom) whether the month has more or fewer in it.

Usance from London, to Hamburgh,
Amsterdam,
Rotterdam,
Middleburgh,
Antwerp,
Brabant,
Zealand,
Flanders, — And from these places to London, is one calendar month after the date of the bill.

Usance from London, to Spain,
Portugal, — And from these places to London, is two calendar months after date.

Usance from London, to Genoa,
Leghorn,
Milan,
Venice,
Rome, — And from these places to London, is three months.

The usance of Amsterdam,

Upon Italy, Spain, and Portugal, two months.

Upon France, Flanders, Brabant, Geneva, and upon any place in the seven United Provinces, is one month.

Upon Francfort, Nuremberg, Vienna, Augsburgh, Cologne, Leipzick, and other places of Germany, upon Hamburgh and Breslau, is fourteen days after sight, two usances twenty-eight, and half usance seven.

Usance from Dantzick, Koningsberg, and Riga, upon Amsterdam, is at one month's sight, though it is common to draw from the first at forty days date, and from the others at forty-one, but oftener at ten and eleven.

And from Amsterdam on the said places, at a month's date, without mentioning usance; though sometimes at forty-one days; and sometimes on Breslau at six weeks date.

Most nations have generally agreed to allow the acceptor of a *bill* some small time for payment, beyond that mentioned in the *bill*, termed days of grace or respite; but they as generally disagree in the number, and commencement of them.

At London, Bergamo, and Vienna, three days are allowed; at Francfort (out of the fair-time) four; at Leipzig, Naumbourgh, and Augsburgh, five; at Venice, Amsterdam, Rotterdam, Middleburgh, Dantwerp, Cologne, Bresslau, and Nuremberg, six; at Naples, Denmark, and Norway, eight; at Dantzick, Königsberg, and in France, ten; at Hamburg and Stockholm, twelve; in Spain, fourteen; at Rome, fifteen; at Genoa thirty. At Leghorn, Milan, and some other places in Italy, there is no fixed number of respite days. Sundays and other festivals are included in these days at London, Naples, Amsterdam, Rotterdam, Antwerp, Middleburgh, Dantzick, Königsberg, and in France; but not at Venice, Cologne, Bresslau, and Nuremberg: at Hamburg, and in France, the day on which the *bill* falls due makes one of the days of grace, but no where else.

No bills payable at Venice by indorsement.

At Venice no *bills* are permitted to be paid by indorsement, so that they must be payable to a certain person, and not to order, or to the procurator of him intended to receive them; and in places where there are banks, if *bills* fall due when these are shut, there are always some days of grace allowed the acceptor after their opening.

Bills not discharged, if the drawer failed before due, in Italy, and formerly, in Portugal, with some trials which decided this particular in Portugal.

It was formerly agreeable to the laws of Portugal, and perhaps is still so to those of Italy (though certainly quite contrary to justice and honesty) for an acceptor to be freed from his obligation in case of a drawer's insolvency before payment; but as some noted trials on this subject in the first-mentioned kingdom seem to have altered the laws for the better, we shall acquaint our readers both with the occasion and success of them.

Some few years ago, a gentleman from this city of London, drew some *bills* on his correspondent at Lisbon, and died two or three days after insolvent; the *bills* were accepted, but on advice of the drawer's death and insolvency, payment was refused; and the acceptor, sheltering himself under the then subsisting laws, stood a trial, on being sued but the judge, having a regard to the custom of merchants, gave a sentence against him, and he paid accordingly. However, some time after, a merchant at Amsterdam drew two *bills* on another at Lisbon, which were indorsed by one here to two several ones there, and were both punctually accepted; but the drawer failing, and the indorser likewise, the acceptor refused payment, which obliged the possessors to sue him for the value, and this they did in separate suits, carried on before different judges, whose opinions were so opposite, that one of the holders had a sentence in his favour, and the other against him; upon which new suits were commenced, and finally determined for them, who accordingly recovered not only the principal and charges of the *bills*, but those of the law-suits also; which seems to have fixed the point before contestable, and now placed it on a par with what is observed in the other parts of Europe. And though there are some few in Italy who value themselves on the protection of the laws to screen them from a payment under the aforementioned circumstances, yet they thereby irreparably prejudice their character, and must not expect any future credit; so that those who have any regard for either, act more like merchants and honest men, and discharge their acceptance whilst they are able.

Regulations in Denmark.

In the territories of the king of Denmark, no *bills* must be made payable after sight for a longer term than two months; and whatever protested *bills* are not sued for in six months from the protest's date, shall lose their right as *bills* of exchange, and thenceforward be only regarded as a book debt; and all law-suits concerning them must be

concluded within a year. It hath long since been determined by a settled rule among the merchants at Copenhagen, and confirmed by a judgment in the highest court, that the charges on all protested *bills* shall be six *per cent.* for exchange and re-exchange, with one half *per cent.* for provision; and by a placard of the 26th of Nov. 1731, bill-bonds (which are a sort of inland *bills*, and ordered in lieu of notes of hand) were introduced; they must be on stamped paper, and drawn at three months, but not to continue longer than four; they have a right when protested like foreign *bills* of exchange, bear an interest of one half *per cent.* monthly, and must be sued for within a month after due.

Payment disputed at Leghorn in silver.

A small dispute happened not long since at Leghorn about payment. It has always been customary at that place to pay *bills* in gold; but zechins have lately been so scarce there, as to bear a premium of two to three *per cent.* from silver; to avoid which expence, several tendered payment of their *bills* in the last-mentioned metal, and not being admitted, some of them were returned protested, which occasioning a little confusion in their commerce, an application was made to the regency, who determined, that *bills* should be paid as usual: however, some here still pretend to have an insertion in all they take for their payment in gold, which innovation we presume will wear off, as the cause that occasioned it ceases.

Various forms of bills of exchange in different languages.

Bills of exchange should be wrote in a fair hand, cleanly, and without mistakes; their stile admits of several variations, as one or more *bills* are granted, of the same tenor; difference in the time or place of payment; or according to the species it is to be made in; which the following forms may serve to illustrate.

London, Jan. 18, 1766. Exchange for 50l. str.

At sight of this my only bill of exchange, pay to Mr. John Rogers, or order, fifty pounds sterling, value received of him, and place the same to account, as *per* advice (or *without farther advice*) from

Samuel Skinner.

To Mr. James Jenkins,
merchant in Bristol.

London, Jan. 18, 1766. Exchange for 10000 liv. *To.*

At fifteen days after date (or *at one, two, &c. us's*) pay this my first *per* exchange, to Mess. John Rogers and comp. or order, ten thousand livres Tournois, in specie known to us this day, value of ditto's, and place the same to account, as *per* advice from

Thomas Bencraft.

To Mr. Henry Kendrick,
Banquier in Paris.

1)

The Second

London, Jan. 18, 1766. Exchange for 10000 liv. *To.*

At fifteen days after date (or *at one, two, &c. us's*) pay this my second *per* exchange (first or third not paid) to Mess. John Rogers and comp. or order, ten thousand livres Tournois, in specie known to us this day, value of ditto's, and place the same to account, as *per* advice from

Thomas Bencraft.

To Mr. Henry Kendrick,
Banquier in Paris.

2)

And in the third write (*first or second not paid*) which example may serve for all *bills*.

London, Jan. 18, 1766. Exchange for D. 1000.

At usance pay this my first *per* exchange to Mr. Ignatio Testori (or *to the procurator of Mr. Ignatio Testori*) one thousand ducats banco, value of Mr. Gregory Laman, and place it to account, as *per* advice from

Nicholas Reubens.

To Mr. James Robottom,
merchant in Venice.

London, Jan. 18, 1766. Exchange for 1600 *per* 1000 Rs.

At thirty days sight (or *ufance*, &c.) pay this my first *per* exchange to Samuel Fairfax, Esq; or order, one thousand six hundred mil reis, value of ditto, and place it to account, as *per* advice from

Jeremiah Tomlinson.

To Mess. Brown and Black,
merchants in Lisbon.

London, Jan. 18, 1766.

Exchange for 273 l. 15 s. 35 ct. 7 G. *per* £ str.

At two ufo's and a half, pay this my first *per* exchange, to Mr. Joseph Jacobs, or order, two hundred and seventy-three pounds fifteen shillings str. at thirty-five schillings and seven groots *per* pound sterling, value of Mr. James Merriman, and place it to account, as *per* advice from

John Johnson.

To Mr. David Hill,
merchant in Amsterdam.

London, Jan. 18, 1766. Exchange for 2000 dollars.

At *ufance* pay this my first *per* exchange, to Mr. Richard Redman, or order, two thousand dollars, value of him, and place them to account of W. M. Esq; and co. as *per* advice from

Abraham Moreton.

To Mr. Bartholomew Jermain,
merchant in Leghorn.

N. B. *Bills are drawn in the same manner on Genoa.*

London, Jan. 18, 1766.

Exchange for xx 2000. at 400 reis *per* crusado.

At *ufance* pay this my first *per* exchange, to Mr. Samuel Levy, jun. or order, two thousand crusadoes, at four hundred reis *per* crusado, value of ditto, and place them to account, *per* advice from

John Thomas.

To Mr. Richard James,
merchant in Oporto.

London, Jan. 18, 1766. Exchange for £ 108 10 Irish str.

At thirty-one days after date pay (*in Dublin*) this my first *per* exchange, to Mess. Richard and Thomas Moore, or order, one hundred and eight pounds ten shillings, sterling money of Ireland, value of Mr. Ezekiel Sampson, and place it to account, as *per* advice from

Nicholas Fairman.

To Mr. Christopher Reynolds,
merchant in Waterford.

A made *bill* in French.

Marseille, 31 Octobre, 1765. B. M. 350.

Anononte jours de datte, payez par cette premiere de change, à l'ordre de Mess. Jean Jacobson & fils, trois mil. trois cent cinquante marcs banco, valeur en compte,

Jean Martcl.

A Monsieur
Monf. Jacob Geraers,
A Hamburgh.

The indorsement is as follows.

Pay to Mr. James Trotter, or order, value in account.
Stockholm, the 3d of October, 1764,

John Jacobson and sons.

Pay to Mr. Levi Solomon, or order, value received.
London, the 2d of January, 1764,

James Trotter.

The following is a second bill, in Italian.

Londra, 24 Feb. 1764.

per 600 d' 8 r.

Ad ufo pagate *per* questa seconda di cambio (una sol volta) al mio ordine, pezze sei conto do otto reale, valuta contoci (or *anuta del medesimo*) ponendole come *per* la d'aviso addio

Thomas Deacon.

Al Sar. Pietro Cambanelli, à Livorna.

La prima *per* accettaz. in Mano de Sr. Fralli, &c.

London, Jan. 18, 1766.

Exchange for 3000 D.

At *ufance* pay this my first *per* exchange to yourselves (or to your own order) three thousand dollars of eight rials each, gold or silver, of the currency known to us this day, value of Mr. John Crew, which place to account, as *per* advice from

Richard Bingham.

To Mess. Patrick Jansen and co.
in Madrid.

Patrick Jansen and co.

When made payable to two, how bills must be accepted.

When *bills* are drawn at *ufance*, or so many days date, the acceptance must be at the bottom of the *bill*, as in that immediately preceding; but when they are drawn payable at so many days sight, the acceptance must express the day it is made; and an indorser may divide a *bill*, and make part of it payable to one, and part to another, which is done in the following manner: A possessing a *bill* for 200 l. sterling, indorses on the first 122 l. payable to B, and in the second 78 l. payable to C, and sends the first to B and the second to C so indorsed, and on their presenting them to the party the *bill* is drawn on, he accepts the first for the 122 l. and the second for the 78 l. in conformity with their indorsements.

Different sorts of bills in France.

In France, by an ordinance of the king in March, 1673, it is directed, that the nature of the value received for *bills* of exchange shall be inserted in them, and expressly mentioned, whether it was in money, merchandize, or other effects, to prevent several abuses that had crept into this branch of commerce, by the bare insertion only of value received; for it was common to give a note, in payment of a *bill* of exchange, both expressing value received: and this method was found to be of great prejudice to trade, by occasioning many failures, which the aforementioned arret was intended to prevent. And in consequence hereof there are four sorts of *bills* of exchange in that country, viz. the first expressing simply, *value received*; the second, *value received in merchandize*; the third, *value in himself*; and the fourth, *value understood*. The first and second need no paraphrase, being both alike in their negociation, and their distinction only answering some ends that may occur between the drawer and deliverer (in case of any failure or fraud.) The third sort is when a merchant draws a *bill* of exchange on one who owes him money, which he sends to his friend or factor, to procure acceptance and payment; and as the acceptant is a creditor of his, an inconvenience might accrue to him, should he insert value received, as his friend or factor might pretend that it belonged to him, appearing by the *bill* that the drawer had received the value. The fourth is, when a person taking a *bill* of exchange from one on whose credit he cannot rely, gives the drawer his acknowledgment of receiving the *bill*, whose value he obliges himself to satisfy, on having advice that the *bill* is paid; but if the *bill* returns protested, it is again exchanged for the note, the drawer defraying the charges. The times for which *bills* are made payable are also four, viz. At so many days sight, ten, fifteen, &c. and the time does not commence running till the day after it is presented and accepted; so that a *bill* drawn payable at ten days sight, and accepted the last day of April, is not demandable till the 11th of May, and the reason is, that the day of acceptance, which is the 30th of April, is not counted, but the reckoning begins only on the 1st of May; the 10th of May, on which the

the *bill* expires, is not counted neither, because that the 10th does not finish till midnight, and consequently an action cannot be brought against the acceptor till the 11th of May, which begins the moment succeeding that on which the 10th finished; and in effect, if one begins to count from the 1st of May, and continues to the 10th at midnight inclusive, there will be found no more than ten whole days, which is the time the acceptor had to pay the *bill* in.

The second method of drawing *bills*, is to make them payable at a day certain. For example, the drawer gives his *bill* to be paid on the first of May, which, according to what is said in the preceding case, is not demandable till the second, as the day of its falling due is never counted.

And there is no obligation to procure acceptance to a *bill* of this tenor; as the time goes on whether accepted or not; but is otherwise with the foregoing, payable at so many days sight; though it is certainly more advisable to get it accepted, as by this means another debtor is added to the drawer, which becomes a new security.

The third time of *bills* is at *usance*, (which is according to the places drawn on) double *usance*, or two *usances*, &c. and though there is no more obligation to procure acceptance to this than to the preceding one, as the time runs on from the day of its date, yet the same reasons subsist for soliciting its acceptance as occurred then.

Usance in France made thirty days.

And there having formerly been many disputes about the time of *bills* falling due that were drawn payable at *usance*, double *usance*, &c. the king by his ordinance has regulated it for the future, by making *usance* to be thirty days, whether the months have more or less in them, the thirty days to be counted from the day the *bill* is dated, and not to be demanded till that succeeding the expiration of the thirtieth, as has been observed in those *bills* payable at so many days sight, and at a day certain; but these laws are only binding in France, on such *bills* as are payable there, but not on those drawn from thence on other countries, where different usages and customs are practised.

The fourth sort of terms of *bills*, is, when merchants draw them payable at Lyons in the fair-time, which they term payment, and which they have four times a year, as has been before mentioned.

When honesty reigned among the merchants, these *bills*, payable in payment at Lyons, were never accepted by writing, he on whom they were drawn only said verbally, *seen*, and the bearer noted it in his book accordingly. The Lyonnais practised this for a long time without any accident; but integrity became slack by the corruption of the times, and some bankers having denied that *bills* had been presented them, the merchants for a greater security now have them accepted in writing.

Regulation about acceptance at Lyons.

It was necessary that the bankers and merchants of Lyons, to establish this disposition in the acceptations, and to restrain many other abuses committed in their city, should seek a remedy, and therefore proposed a regulation to the governor, &c. thereof, the which was approved of, and allowed by an arret of council, and registered in the parliament of Paris in the following words, viz. "That the acceptations of the said *bills* of exchange shall be made by writing, dated and signed by those on whom they are drawn, or by persons duly empowered by a procuration, of which the minutes shall remain with the notary; and all those which shall be made by factors, deputies, and others not furnished with procurations, shall be null and of no effect against him on whom they are drawn, save the recourse against the acceptor."

This regulation, which was only for the city of Lyons, proved a sufficient remedy for the abuse that was committed by the want of acceptance to *bills*; but this did not in any shape remedy those arising from a conditional acceptance in these words, *Accepté pour répondre au temps* (accepted to answer in time) for this is the same as saying nothing, and is contrary to the public surety; because a merchant of Paris or other places, drawing a *bill* of exchange

on his correspondent at Lyons, who shall have no effects of his in hand, and who only accepting it with the circumstance, *To answer in time*, not being willing to advance for his friend, when the season of the fair, or payment is come, if remittances are made him, he pays a creditor with a debt, if he has the opportunity, or else the contents of the *bill* is discharged at the end of the payment; but if he has no provision made him, he lets the *bill* be protested; so that a merchant who does not understand this custom, and who has paid his money three months before, comes upon the drawer or bearer of orders, who very often have failed in the mean time; whereas if he on whom the *bill* is drawn, accepts purely and simply when it is presented him, he in whose favour it is would have had his immediate security, and its payment when fell due.

And however suitable to the interest of the Lyonnais this practice might be, (as they generally accepted without effects in hand) yet as it placed them on a different footing from every other trader in the kingdom, it was judged but reasonable by other merchants to find out a method that should put them all on a level, and oblige those of Lyons to a pure and simple acceptance; but though this was observed by some considerable bankers, who drew their *bills*, or took them with the insertion of such words as would not admit of evasion in the acceptor, yet this did not answer the intent, as many of Lyons would not accept the draughts on them in any other manner than that formerly mentioned; therefore to remedy the inconvenience and disorders which this occasioned in trade, and to place all his majesty's subjects on a level, he directed by his ordinance, "That all *bills* of exchange shall be accepted by writing purely and simply; abrogating the custom of a verbal acceptance, or by these words, *veu sans accepter* (seen without accepting) or *accepted to answer in time*, and all other conditional acceptations, which shall be deemed a refusal, and the *bills* may be protested."

Those circumstances are mentioned as interesting most European nations, because there is hardly one from whence a considerable trade is not carried on with Lyons, either in the commercial or banking way.

And though the happy improvement of our own silk manufactures has very considerably lessened for some years past our trading engagements with that powerful city, yet notwithstanding the act 6 Geo. III. prohibiting the importation of foreign wrought silks and velvets for a limited time, there may remain such an intercourse, as the knowledge of transacting business there may occasionally concern many of our readers.

BILLS of Fees. See BANKRUPTCY.

BILLS of Health. The dreadful ravages made by pestilential disorders in those countries most subject to them, makes every prince and state fearful of receiving the infection, by the admission of goods from suspected places; and to avoid it, they always insist on ships bringing certificates from the magistracy of the port they last came from, declaring their country to be free from any contagious distemper; these are termed *bills of health*, (of which copies are annexed) and coming in this form, are called *clean* ones, in opposition to *foul* ones, which are given ships, when they proceed from infected places; and these always obstruct their admittance to trade, till they have performed a quarantine of as many days as the guardians of health where they arrive may judge necessary, being commonly from ten to forty; on expiration of which, it is customary aboard, for physicians to examine the ship's crew, and strict search is made on board, by persons appointed, to see whether the number of sailors correspond with those mentioned in the *bills of health*; and if any difference appears, it will be difficult in any country, and impossible in some, to obtain admission afterward; therefore it behoves every captain to be very circumspect in having the exact number of his company inserted.

But though the sailors are not admitted to a communication with the shore, till the aforementioned prudent precautions have preceded; yet all commodities unsuspicious of the infectious taint, (such as corn, &c.) are permitted immediately to be landed, at proper places (by the mariners) from whence they are afterwards conveyed to those destined for their consumption or sale.

Several foreign states have set apart, and appropriated certain parcels of lands for the aforementioned purposes, which they have enclosed, and erected buildings both for the reception of goods and passengers to lay their quarantine in, where the latter are comfortably accommodated, under the vigilance of guards appointed to hinder any one's too near approach to these recluses: such are the *lazarettos* at Maffilles, Venice, &c. And expences vary on these occasions, according to the difference of climates and accommodations.

All ships performing quarantine here, do it at Stangate-Creek, under such regulations as his majesty in council is pleased to appoint; and every merchant who had any goods from Italy, during the last plague at Messina, was obliged to shew his documents, that is, the bills of lading, invoices, letters, or any other papers in which his goods were mentioned, to gentlemen in the secretary of the custom office, appointed to examine them; and the merchandize, after lying the time ordered, was opened, aired, and underwent the appointed search, before it was permitted to be put into lighters, and brought to London, &c.

But the frequency of the plague in different parts of the Levant, making a revival of those laws unnecessary, the following act was past.

26 Geo. II. The preamble sets forth, that whereas it is necessary some provision should be made by parliament, for obliging ships and persons coming from places infected, or frequently subject to the plague, to perform quarantine in such manner as shall be ordered by his majesty or his successors; and for punishing offenders therein in a more expeditious manner than can be done by the ordinary methods of law: it is therefore enacted, That all ships and vessels arriving, and all persons, goods, and merchandizes, coming or imported into any port or place within Great-Britain or Ireland, the isles of Guernsey, Jersey, Alderney, Sark, or Man, from any place from whence his majesty, or his successors, by advice of the privy council, shall judge it probable that the infection may be brought, shall be obliged to perform quarantine in such place, and in such manner, as shall be directed by his majesty, or his successors, by order in privy council, and notified by proclamation, or in the London Gazette: and that till such ships, &c. shall be discharged from such quarantine, no person, goods, &c. shall be brought on shore, or be put on board any other vessel within his majesty's dominions, unless by licence, as shall be directed by order of council: and that all such ships, and the persons or goods, coming or imported, or going or being put on board the same, and all such ships, vessels, boats, and persons, receiving any goods or persons out of the same, shall be subject to such orders, rules, and directions, concerning quarantine, and the prevention of infection, as shall be made by his majesty, and his successors in council, and notified by proclamation, or published in the London Gazette as aforesaid.

If the plague shall appear on board any ship to the northward of Cape Finesterre, the master shall immediately proceed to the harbour of New Grimsby, in the isles of Scilly, where he shall inform the officer of the customs there of his case, who shall acquaint some officer of a near port of England thereof; who, with all possible speed, shall send intelligence thereof to one of his majesty's secretaries of state, that such measures may be taken for the support of the crew, and such precautions used to prevent the spreading of the infection, as the case shall require: and the said ships shall remain at the islands of Scilly, till his majesty's pleasure be known; nor shall any of the crew go on shore; but if the master shall not be able to make the islands of Scilly, or shall be forced by stress of weather up either of the channels, he shall not presume to enter into any port, but shall remain in some open road till he receives orders from his majesty or the privy council, and shall take care to prevent any of his majesty's company from going out of his ship, and to avoid all intercourse with other ships or persons; and the said master, or any person on board such ship, who shall be disobedient therein, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy: and every such offence shall be determined in the county where the offence shall be committed, or where the offender shall be apprehended.

That it may be better known whether any ship be actually infected with the plague, or whether such ships, &c. are liable to any orders touching quarantine, it is enacted, that when any place infected with the plague, or when any order shall be made concerning quarantine and the prevention of infection, as often as any ship shall attempt to enter any place in Great-Britain, or Ireland, &c. the principal officer of the customs in such place, or such person as shall be authorized to see quarantine performed, shall go off, or cause some other person appointed by him for that purpose to go off to such ship; and such officer, &c. shall, at a convenient distance from such ship, demand of the master; and the master shall, upon such demand, give a true account of the following particulars, that is to say, the name of such ship, the name of the master, where the cargo was taken in, where she touched, where such places were infected, how long she had been in her voyage, how many persons were on board when she set sail, whether any in the voyage had been, or were then infected with the plague, how many died in the voyage, and of what distemper; what ships he, or any of his ship's company with his privacy went on board, or had any of their company come on board during the voyage, and to what place such ships belonged; and also the true contents of his lading, to the best of his knowledge. And if it shall appear that any person on board shall be infected with the plague, or that such ship is obliged to perform quarantine, in such case it shall be lawful for the officers of any of his majesty's ships of war, or any forts or garrisons, and all other officers whom it may concern, and for any other persons whom they shall call for their assistance, to oblige such ship to repair to such place as hath been appointed for performance of quarantine, by any kind of violence whatsoever. And if any such ship shall come from an infected place, or have any person on board actually infected, and the master shall conceal the same, such master shall be adjudged guilty of felony, and shall suffer death: and if the master of such ship shall not make a true discovery in any other of the aforesaid particulars, such commander shall forfeit 200 l. one moiety to the king, the other to the person who shall sue for the same.

The master of any vessel ordered to perform quarantine, shall, after his arrival at the place appointed for performing quarantine, deliver to the chief officer there, such *bills of health and manifest*, as he shall have received from any British consul during his voyage, together with his log-book and journal, under penalty of 500 l. in the same manner as the last clause.

If any master of a vessel liable to perform quarantine, having notice thereof, shall himself quit, or permit any other person to quit such vessel before quarantine shall be performed, unless by proper licence; or in case any master shall not cause, within due time after notice given, such vessel, and the lading thereof, to be conveyed to the place appointed for performing quarantine; then, and in every such case, the master shall forfeit 500 l. and the persons quitting the vessel, shall be compelled to go back, and suffer six months imprisonment, and each forfeit 200 l. The penalties to be recovered and divided as before.

His majesty with the consent of parliament, may erect lazarets on any common or private grounds, and in case any difference should arise about the value of such lands, to be settled by a jury at the quarter sessions.

The proper officers are empowered, and required to compel, all persons obliged to perform quarantine, and goods, to be conveyed to some lazaret, or such other place as shall be provided for the reception of such persons, goods, &c. or for the opening and airing such goods, &c. according to such orders to be made as aforesaid.

If any person obliged to perform quarantine, shall refuse, or neglect, to repair to the house or lazaret, or having been placed therein shall attempt to escape before quarantine be fully performed; any of the persons appointed to see quarantine performed, may compel them to repair or return to the house, &c. appointed; and every person so refusing, or neglecting, or escaping, shall suffer death as a felon.

All persons liable to perform quarantine, whether in ships, lazarets, or elsewhere, shall be subject, during such quarantine, to such orders as they shall receive from the proper officers; and the said officers are to enforce all necessary

cessary obedience to their orders, and may, in case of necessity, call in other persons to their assistance; and all persons called are required to assist.

If any person not liable to perform quarantine, shall enter any lazaret, &c. whilst any persons under quarantine shall be therein, such person shall be confined there to perform quarantine by the proper officers: and in case he shall escape out of the lazaret, he shall be guilty of felony, and suffer death accordingly.

If any officer, appointed to execute any orders made concerning quarantine, shall be guilty of any wilful breach of neglect of his duty, such person shall forfeit his employment, and an hundred pounds, and be incapable of holding such office for the future.

All goods liable to retain infection, as shall be particularly specified in any orders made concerning quarantine, which shall be imported into any of his majesty's dominions, from any foreign country, in any ship whatsoever, shall be liable to such orders made concerning quarantine.

After quarantine shall have been duly performed, upon proof to be made on oath by the master and two other persons belonging to the vessel, or of two or three creditable witnesses, to be made before the customer, comptroller, or collector of the port, or the next port, where quarantine shall be performed, or before any of their deputies, or any justice of the peace living near such port, or if in the isles of Guernsey, Jersey, Aldernay, Sark, or Man, before any two jurats or magistrates, that such vessel, and all and every such persons, are free from infection; and after producing a certificate signed by the chief officer, who superintended the quarantine of that ship, then such customer, &c. are required to give a certificate thereof; and thereupon such ship, and all persons belonging to her, shall be liable to no further restraint or detention upon the same account for which quarantine shall have been performed.

The officer neither for oath nor certificate, shall take any fee or reward.

Provided nevertheless, that all goods, wares, and merchandize, shall be opened and aired as shall be directed in the order for quarantine; and after such orders have been duly complied with, the goods shall be discharged with a proper certificate, in the same manner as the ship, &c.

Any officer that shall demand or take any fee, to forfeit one hundred pounds, with treble costs of suit.

If any person, appointed to see quarantine duly performed, or placed as a watchman upon any house, lazaret, ship, or other place for performance of quarantine, shall desert from their duty, or wilfully permit any person, ship, goods, or merchandizes, to depart, or be conveyed out of such house, &c. or if any person give a false certificate of a ship's having duly performed her quarantine or airings, every such person shall suffer death as a felon.

If any person shall conceal from the officers of quarantine, or convey any letter, goods, wares, or merchandizes, from any ship under quarantine, or from any lazaret, &c. where goods shall be performing quarantine, every such person shall suffer death.

When any part of Great-Britain, Ireland, Guernsey, Jersey, Aldernay, Sark, or Man, or France, Spain, Portugal, or the Low-Countries, shall be infected with the plague, his majesty, by proclamation, may prohibit all boats and vessels under twenty tons burthen, from sailing out of any place in Great-Britain, &c. until security be first given by the master, to the satisfaction of the principal officer of the customs, or chief magistrate of the place from whence such vessel shall sail, by bond, with sufficient securities, in the penalty of 300 l. with condition, that if such vessel shall not touch at any place mentioned in the proclamation; and if the master, mariners, and passengers, do not go on board any other vessel at sea, and if such masters shall not permit any persons to come on board from any other vessel, and shall not receive any goods, &c. out of any other vessel, then such bond shall be void: if any vessel shall go before such security be given, every such vessel, with her tackle, apparel, and furniture, shall be forfeited to the king, and may be seized: and the master, and every mariner, upon the oath of a creditable witness before a justice of peace, where such offenders shall be found, shall forfeit the sum of 20 l. one moiety to the informer, the other to the poor of the

parish, where such offenders shall be found; the same to be levied by distress and sale of the offenders goods, by warrant under the hand and seal of the justice, before whom such offender shall be convicted: and for want of sufficient distress, the offender to be sent to prison for three months.

By 29 Geo. II. the place of quarantine is changed from New Grimsby, and appointed at St. Helen's Pool, between the uninhabited islands of St. Helen's Jean, and North Withell, in the island of Scilly, or to such other place as his majesty, with the advice of his privy council, shall appoint.

The following is the form of an English *bill of health*, which is given at the custom-house (signed by the benchers) and costs five shillings, viz.

"Omnibus christi fidelibus, ad quos presentes literæ pervenerint; nos ministri serenissimi principis domini nostri Georgii tertii regis in portu civitatis Londini salutem. Cum plium sic ac honestum veritati testimonium perhibere, ne error et deceptio prejudicii ipsam opprimat; cumque navis nuncupata cujus
naclerus sub deo est quæ jam
parata est a portu dictæ civitatis Londini discedere, et ab hinc deo volente pro et alia loca trans-
marina cum in eadem nave adpellere,
hinc est quod univèrsitati vestræ tenore præsentium innotescimus fidemque indubitam facimus, quod (deo optimo maximo summa laus attribuat) in hac dicta civitate nulla pestis, plaga, nec morbus aliquis periculosus, aut contagiosus, ad præsens existit; in cuius rei testimonium sigillum officii nostri apponi fecimus. Datum hoc in regis telonio civitatis Londini prædictæ anno salutis
christianæ secundum computationem ecclesiæ anglicanæ millefimo septingentesimo anno que regni
dicti serenissimi domini nostri Georgii tertii. dei gratiæ magnæ Britannicæ, &c. Fidei defensoris, &c."

The subsequent is copied from a bill of health, given at Alicant in Spain, being the same with those of all the other parts of that kingdom, and differing only in form, from those of Italy and other parts, this duplicate may suffice to show the nature and contents of them all.

"UNIVERSIS cujusvis auctoritatis salutem in domino; nos regimen illustri civitatis Alicantis, et Villæ de Muchamel, Testamur, quod dicta civitas et villa (deo auspice) optima gaudent salute, et nullius contagiosi morbi vestigiis inficiuntur; et fidem facimus à nostro portu discedere navem nominatam cujus dux est
cum nautis, et prout asservit viam
dirigit versus quare oramus ut illa
ejusque nautæ, simul cum mercibus, absque dubio de valetudine personarum, et locorum unde veniunt, recipiantur. In quorum fidem has nostras literas manu scribentur. In quorum fidem has nostras literas manu scribentur nostri firmatas, et sigillo majori nostræ civitatis munitas illi concedimus. Datis Alicantis die mensis
anno à nativitate domini."

Pro illustri et semper fidelissima civitate Alicantis.

N. P.

BILL of lading, is a writing wherein masters of ships acknowledge the receipt of goods aboard, and oblige themselves to deliver the same in good order and condition at the place where they are consigned to. There must always be three made out, and in England they are to be on stamped paper, otherwise they are invalid, of which one should be remitted *per* first post after signing, to the person the goods go to, another to be sent him *per* the ship, and the third remain with the shipper; beside which a fourth should be made out on an unstamped paper, to be given the master for his government.

The form of a BILL of lading, viz.

Shipped in good order by A. B. merchant,
W. B. No. 1. in and upon the good ship called
a 10. whereof C. D. is master, now riding at anchor in the river of Thames, and bound for Alicant in Spain, ten bales containing fifty pieces of broad cloath, marked and numbered as *per* margin, and are to be delivered in the like good order and condition at Alicant aforesaid (the danger of the sea excepted) unto E. F. merchant there, or to his assigns, he or they paying for the said goods per freight, with primage and average accustomed. In witness whereof the master or pur-
fer

fer of the said ship hath affirmed to three *bills of lading* of this tenor and date, one of which bills being accomplished, the other two to stand void. And so God send the good ship to her designed port in safety. Amen.

Dated at Lond.

The form of a French BILL of lading.

JESUS MARIA JOSEPH. At Marseilles the 7th of March, 1766, were loaded in the name of God, and of good safety, at the port and harbour of this city, by Mr. Charles, for the account of Mr. Isabeau, on board the ship called the St. John the Baptist, commanded by captain James Rebutty, to carry and bring with God's help, to Havre de Grace, and deliver to Mr. Pinaut, merchant, or to his assigns, the merchandizes hereafter mentioned, to wit,

L. 1. I say, two tons of wine, containing eight millerolles, Further, 2. I say, two bales of old No 1, 2. Flanders tapestries, directed to Mr. Isabeau; which abovesaid merchandizes have been shipped on board the said ship well conditioned, and marked with the mark as *per* margin; for which, when delivered by God's assistance, at the said Havre de Grace, without any thing being wetted or spoiled, shall be paid by the said Sieur Pinaut, or his agent, for freight, three score and fifteen livres *per* ton, containing fourteen millerolls of this city for the wine, and six livres for the two bales of tapestry, &c.

Signed GERMA, &c.

The form of a Dutch BILL of lading.

I Charles Pignet, master under God of the vessel called the St. Ann, lying at present at anchor before Rotterdam, in order to sail with the first fair wind (which God shall send) to the city of St. Vallery, where my true unloading is to be made, confess to have received on board my said vessel between decks, of you Mr. William Hunnaequin,

P. L. the following merchandizes, marked and numbered with the same mark and number as *per* margin;
No. 1. the whole dry, and well conditioned; namely, one bale, containing six half pieces of woollen cloath; which merchandize I promise to deliver to Messieurs Manfes and Anguieux, or to their commissioner, factor, or agent, the dangers and accidents of the sea only excepted. And for the performance of what is here said I have bound, by these presents, my person, my goods, and my said ship, freight, and tackle, and shewing to me one of these bills of lading, and paying to me for the freight of the said merchandizes the sum of five guilders, over and above the customary average and duties. In witness of the truth of which I have signed with my own sign manual, three bills of lading, of the same tenor, of which one being performed, the others shall remain of no value. Done at Rotterdam, the 15th of September 1765.

Signed CHARLES PIQUET.

If goods by *bills of lading* are consigned to A, A is the owner, and must bring the action against the master of the ship, if they are lost. But if they be special, to be delivered to A, to the use of B, B ought to bring the action. But if the bill be general to A, and the invoice only shews that they are upon the account of B, A ought always to bring the action, for the property is in him, and B has only a trust, *per totam curiam*. And *per* Holt, chief justice, the assignee of a bill of lading has such a property as that he may assign it over. And Shower said, that it had been adjudged so in the exchequer. *Lord Raymond*, 271. *Evans v. Martlett*.

BILL of parcels, is an account given by the seller to the buyer, containing the particulars of all the sorts, and prices of the goods bought.

BILL, in parliament, signifies a paper containing some propositions offered to the house to be passed by them, and then it is presented to the king to pass it into an act or law.

BILL of sale, is a solemn contract, under seal, whereby a man passes the right or interest that he has in goods or chattels; for if a man promises, or gives any chattels, without valuable consideration, or without delivering possession, this alters no property, because it is *nudum pactum*, *nude non oritur actio*; but if a man sells goods by deed under sale duly executed, this alters the property between the parties, though there be no consideration, or no de-

livery of possession, because a man is exposed to deny his own deed, or affirm any thing contrary to the manifest solemnity of contracting.

But what is chiefly to be considered under this head, is the statute of 13 *Eliz. cap. 5.* by which it is enacted, "That all fraudulent conveyances of lands, &c. goods and chattels, to avoid the debt or duty of another, shall (as against the party only, whose debt, or duty, is so endeavoured to be avoided) be utterly void, except grants made *bona fide*, and on a good (which is construed a valuable) consideration." And by the latter clause of that statute it is provided, "That all parties to such fraudulent conveyance, who being privy thereunto, shall wittingly justify the same to be done *bona fide*, and on good consideration; or shall alien or assign any lands, lease, or goods, so to them conveyed as aforesaid, shall forfeit one year's value of the lands, lease, rent, common, or other profit out of the same, and the whole value of the goods; and, being thereof convicted, shall suffer half a year's imprisonment without bail, the forfeiture to be divided between the queen and the party grieved."

For the explanation of this statute the following cases may serve.

A being indebted to B in 400 l. and to C in 200 l. C brings debt against him, and pending the writ, A being possessed of goods and chattels to the value of 300 l. makes a secret conveyance of them all, without exception, to B, in satisfaction of his debt; but, notwithstanding continues in possession of them, and sells some of them, and, others of them, being sheep, he sets a mark on; and resolved that it was a fraudulent gift and sale, within the aforesaid statute, and shall not prevent C of his execution for his just debt; for though such sale hath one of the qualifications required by the statute, being made to a creditor, for his just debt, and consequently, on a valuable consideration, yet it wants the other; for the owner's continuing in possession, is a fixed and undoubted character of a fraudulent conveyance, because the possession is the only *indicium* of the property of a chattel, and, therefore, this sale is not made *bona fide*. 3 *Co. 80. Mo. 638. 2 Bulst. 226. Twine's case*.

Upon the same reasons the following case turns: A is indebted to five several persons to the sum of 20 l. each, and having goods to the value of 20 l. makes a gift of them to one of the five, in satisfaction of his debt, but upon this secret trust between them, that the grantee, in compassion to his circumstances, should deal favourably with him, in permitting him, or some other for him, to use and possess the said goods, paying this creditor as he was able, and could afford it, the said debt of 20 l. And resolved to be a fraudulent conveyance and deed of sale. 3 *Co. 81. Mo. 639*.

So that in case if A makes a *bill of sale* of all his goods, in consideration of blood and natural affection to his son, or one of his relations, it is a void conveyance in respect of creditors; for the consideration of blood, &c. which are made the motives of this gift, are esteemed in their nature inferior to valuable consideration, which are necessarily required in such sales, by 13 *Eliz. cap. 5.* And this is a construction suitable to the strictest rules of equity; for, if considerations of blood or natural affection were allowed to be of equal dignity with, or to come under the notion of valuable considerations required by this statute, then it would be in the power of any debtor, by such conveyances of his personal estate to his kindred, to build a family, upon a conduct to his creditors, which carries in it all the strains of injustice and collusive dealing: moreover, there is a strong presumption that such sales to relations are constantly attended with a secret trust and personal confidence of recovering part of the goods to the vender for his subsistence, so that they are intirely inconsistent with the scheme laid down by the statute, and therefore void and illegal. 2 *Rot. Abr. 779. 3 Co. 81. Palm. 214*.

A possessed of divers goods to the value of 250 l. by covin to defraud his creditors, made a gift thereof to his daughter, on condition to be void on payment of twenty shillings. Adjudged that it was apparently a fraudulent conveyance, and void. *Cro. Eliz. 810. Bethel versus Stanhope*.

As the owner's continuing in possession of his goods, after his *bill of sale* of them, is an undoubted badge of a fraudulent conveyance, because the possession is the only *indiciu* of the property of a chattel, which is a thing un-fixed and transitory; so there are other marks and characters of fraud; as a general conveyance of them all, without any exception; for it is hardly to be presumed that a man will strip himself intirely of all his personal property, not excepting his bedding and wearing apparel, unless there was some secret correspondence and good understanding settled between him and the vendee, for a private occupancy of all, or some part of the goods, for his support; also a secret manner of transacting such *bills of sale* and unusual clauses in it; as that it is made honestly, truly, and *bona fide*; are marks of fraud and collusion; for such an artful and forced dress and appearance, give a suspicion and jealousy of some defect varnished over with it. 3 Co. 81. *Mod.* 638.

If goods continue in possession of the vender, after a *bill of sale* of them, though there is a clause in the *bill* that the vender shall account annually with the vendee for them, yet it is a fraud; since, if such colouring were admitted, there would be no difficulty whatever to avoid the provisions and cautions of the aforesaid act. *Mod.* 638.

A man takes a wife, and afterwards marries another, his first wife living, and by deed gave part of his goods to his pretended second wife; it seems this is a fraudulent gift within 13 *Eliz.* and by the common law too, in respect of creditors, because made without any valuable consideration; for the second pretended marriage is so far from coming under the notion of a consideration, that it is a crime punishable by law. 2 *Leon.* 223. *Stamford's Case*, per *Dyer*.

Where there is an absolute conveyance, or gift, of a lease for years, and the person who makes it continues in possession after such sale, the gift is fraudulent, because attended with that distinguishing character of a fraud; but if the conveyance, or sale, be conditional, as that upon payment of so much money, the lease shall go to the vendee; their continuance in possession after the gift, does not make it fraudulent, because the vendee is not to have the lease in possession, till he performs the condition.

A has a lease of lands for sixty years, if he so long lives, and forges a lease for ninety years absolutely, and by indenture, reciting this forged lease, bargains and sells it for valuable considerations, together with his interest in the land, to B. In this case B is not a purchaser within 27 *Eliz. cap.* 4. for though there were general words in the sale to pass the true interest, yet it is plain that it never was contracted for, or originally included in the bargain; so that the bargain being made of an imaginary interest, the bargainee can never come under the character of a real purchaser, to defeat the purchaser of the true lease of sixty years which A was really possessed of. *Co. Lit.* 3. *Sir Richard Cobham's Case*.

A, by *bill of sale*, made over his goods to a trustee, for B, who lived with him as his wife, and was so reputed, and he also purchased the lease of a house wherein he dwelt, in the name of a trustee, and declared the trust thereof to himself for life, then in trust for B, during the residue of the term; and his *bill of sale* was held fraudulent, as to creditors; but as to the declaration of the trust of the term, the court held it good, and not liable to A's debts, the term being never in him, and being so settled at the time it was purchased, and A might have given the money to B, who might have purchased it for herself, and in her own name. 2 *Vern.* 490. *Decreed in equity between Fletcher and Lady Ledley*.

If A makes a *bill of sale* to B, a creditor, and afterwards to C, another creditor, and delivers possession at the time of the sale to neither, after C gets possession of them, and B takes them out of his possession, C cannot maintain trespass, because the first *bill of sale* is fraudulent against creditors, and so is the second; yet they both bind A, and B's is the elder title; and the naked possession of C ought not to prevail against title of B, that is prior, where both are equally creditors, and possession, at the time of the *bill of sale*, is delivered over to neither. *Abr. Eq.* 148. *Baker v. Lloyd. Per Holt*.

BILL of store, is a kind of licence granted at the custom-

house to merchants, to carry such stores and provisions as are necessary for their voyage, custom-free.

BILL of sufferance, is a licence granted at the custom-house to a merchant, to suffer him to trade from one English port to another, without paying custom. *Statute 14 Car. II. cap.* 11.

BILL of trade, both wholesale and retail, as also among trades-people and workmen, signifies an account of merchandizes or goods delivered to a person, or of work done for one.

In those *bills* must be set down the sums of money received on account, which ought to be deducted from the sum total.

BILLET-WOOD, is small wood for fuel, which must be three feet and four inches long, and seven inches and a half in compass, &c. Justices of peace shall inquire by the oaths of six men of the assize of *billet*, and being under size, it is to be forfeited to the poor. *Stat.* 43 *Eliz.* 9 *Ann. cap.* 15. See *FUEL*.

BILLINGSGATE-Market to be kept every day, and toll is appointed by statute: all persons buying fish in this market may sell the same in any other market by retail; but none but fishmongers shall sell in shops: if any person shall buy any quantity of fish at *Billinggate* for others, or any fishmonger shall ingross the market, they incur a penalty of twenty pounds. And fish imported by foreigners shall be forfeited, and the vessels, &c. 10 and 12 *Will. III. cap.* 24. See *FISH and FISHERMEN*, for other regulations in regard to *Billinggate-market*.

BILLON, in *coinage*, a kind of base metal, either of gold or silver, in which copper is the predominant metal.

Mr. Bouterouc says, that all gold under twenty-one carats fine, is properly *billon* of gold; and all silver under ten penny-weights, is *billon* of silver.

BILLOT, BILLO; bullion of gold or silver in the mass before it is coined. *COWEL*.

BINARY-Arithmetic, a method of computing first proposed by M. Leibnitz, and more largely explained by Jos. Pelican of Prague, in a treatise, intitled *Arithmeticus Perfectus, qui tria Numerare Nescit*, 1712.

In this method of computation, instead of the ten figures made use of in common arithmetic, only 0 and 1 are used, and the cypher multiplies every thing by 2. This 1 is one, 10 two, 11 three, 100 four, &c.

BINNELANDS-PASS. Thus they call at Amsterdam, and in all the other towns under the dominion of the states-general of the United Provinces, a kind of pass-port, which people are obliged to take, when they would transport any merchandize from one town to another; without paying any duty of importation or exportation. That pass-port costs but twenty-four stivers; but it must be brought back within six weeks, with a discharge from the commissioners of the customs, certifying, that the merchandizes are arrived at the place they were designed for; otherwise the owner would be obliged to pay duty for them, as if they had been shipped for exportation into foreign countries.

Binneland, is a Dutch word, which signifies inland.

BIRCH-TREE, in Latin *betula*, is a tree of a middling height: its branches are thin, flexible, and bending. The outward rind of the trunk is thick, rough, white, and full of crevices: but the inward rind is thin and smooth, like parchment; the ancients used it instead of paper: the wood of this tree is white; the leaves are pretty broad, peaked and indented on the edges; and like those of the black poplar, are green, tender, smooth, and of a bitter taste. Its flowers are catkins, of the length of long pepper, with several leaves placed like scales, and fastened to a small pedicle. These catkins leave no fruit behind them; the fruit is produced at a distance, on different parts of the same tree: it looks first like a small ear of corn, with several scales, which becomes afterwards a little squamose cone, of which the scales, cut for the most part like trefoil, cover each of them a winged seed. This tree casts its outward rind every year. It grows in a poor soil, or marshy places.

The timber of this tree, though accounted the worst of all others, yet is not without its various uses. The turners often use it to make chairs, &c. and the husbandmen for making ox-yokes: it is also planted for hop-poles, hoops, &c.

&c. and is proper likewise to make baskets of its branches; but in places within twenty miles of London, it is kept often cut to make brooms, and turns to very good account.

BIRD-CAGE-MAKER. One of this business has but occasion for very little learning, and no great strength; but it requires some ingenuity to be able to perform in a masterly manner all the different kinds of work done by the *bird-cage-maker*. With respect to cages, they make some of several guineas value. They also make all traps and gins, sieves and screens formed of wire; and some of the shopkeepers deal largely in wire. They usually take five or ten pounds with an apprentice, who, on commencing journeyman, will be able, if he is a good hand, to get fifteen or twenty shillings a week. A master in the shopway may set up with one hundred pounds; but if he engages in the wholesale wire-trade, he ought to have at least three or four hundred pounds. There are very few of this business in London; and most of the shops are in Crooked-lane, New Fish-street.

BIRDS NESTS, a kind of spice very much esteemed in China, and throughout all the East-Indies, and to be found in Tonquin and in Cochinchina, but more particularly in the kingdom of Campa or Champa, which is situated between both. The birds which make those nests to lay their eggs, and hatch their young ones in, are pretty much like swallows: in coupling time, there issues from their bills a clammy foam, or glutinous matter, which is the only material they build their nests with; they fasten them to the rocks, by applying to them that glutinous substance, by several layers, the one over the other, as the former becomes dry. These nests are of the form of a middle-sized spoon, but the brims are higher.

There are so many of these kinds of nests, that they gather every year several hundred weight of them, which are almost all carried into China, where they are sold for five taals *per* hundred weight, which amount to about a hundred Spanish ducats. They are thought to be good for the stomach and the head, and give a delicious taste to the meat seasoned with them.

As it is very difficult nicely to observe the natural objects, which one sees or hears mentioned in the Indies, this is the reason why they are but very imperfectly described by travellers. We should, therefore, be satisfied to know them from their account but by parts, till time and repeated observations, give us a perfect knowledge of them. The first relations always present us with something wonderful; but the wonder decreases, in proportion as things are more accurately observed, and become more familiar to us. When it is reported that in the Indies the people eat birds-nests, there is no man but must wonder at it; nay, many think they are imposed upon, because it appears to them quite repugnant to nature, or at least very little acceptable to the palate.

The thing seems more surprising still, if we say, that those nests are eaten not as a spice, as Mons. Savary asserts, who has been misled by some erroneous memoirs, but as a true food, very nourishing and salubrious.

The travellers who mention these nests, have not been well informed of the places where they are found, nor of the substance they are composed of, nor of the real use that is made of them. Of all this we shall here give an account, with a true description of those nests, which none have yet accurately described.

The bird which makes them is a kind of swallow, the upper part of whose body, including the head and tail, is of a bluish black, and the under-part is white: its head is small, its bill short, thick, crooked, bluish, and very shining: its legs are short and slim, its wings very long, extending far beyond its tail.

This kind of swallows dwell upon high rocks, which are the true places where they nestle. There are seen vast numbers of them in all the Sunda Isles, in the Moluccas, in the Islands of New-Guinea, in the Philippine Islands, and on all the coast of the main land, which lies between the peninsula of Malacca as far as Cina; that is to say, in such places as are mountainous, and full of rocks: which is quite different from what Tavernier and father Tachard tell us of their nests, asserting that they are no where to be met with but in Tonquin and Cochinchina. This kind of swallows must needs abound most plentifully in all these

places, since several thousands of pounds are taken for them yearly, and great quantities used for the table in the Indies.

These nests differ something from one another in their size, thickness, colour, and weight. Their diameter commonly is full three fingers breadth at the top, and their perpendicular breadth, which is greatest in the middle, does not exceed an inch. The substance of these nests is white, or reddish, and somewhat transparent: in some nests, and in certain places, it is mixed with a dark purple. Their thickness is near that of a silver spoon. The form of one of these nests is not much unlike a sea-shell; and is, as it were, an irregular semicircle, whose diameter, or side, which is about three inches long, is that which is fixed to the rock where the bird built it. Its weight is about a quarter of an ounce, sometimes a little more, and sometimes a little less.

Those nests are very brittle, and their substance being broke in pieces, shines in the inside like gum. As the matter was applied by the industry of the bird, in liquid and clammy threads, the nests seem wrinkled, or slightly furrowed on the surface. All that we have been asserting in this description, must be understood of the nests that are very dry, and have been long kept; for, on those inaccessible places where they are fastened, they are more limber, larger in their dimensions, and heavier.

As to the matter of which they are made, travellers have been puzzled to know what it is; most of them have thought it to be a kind of clammy foam, which issues from the bills of those birds in coupling-time, as Mons. Savary asserts after them.

But here follows an account that must undeceive the public. These swallows do, indeed, build their nests in coupling-time, as all other birds do, and particularly our swallows; but then, like ours, they go and fetch elsewhere the materials for building their nests. As every kind of volatiles have their different ways of building their nests, and even the same kind in different climates; so these swallows use a particular substance, different from that used by any other bird. It is an animal substance, which they go and fetch on the sea-shore; they fix on a kind of star-fish, whose substance, or flesh, resembles a slimy and viscid jelly, which, the sea ebbing, leaves on the shore; of this they take whole bills full, which each bird carries to the place where it designs to make its nest; applying it by threads one over the other at several times, flying backwards and forwards all the while, till the nest be finished. Some people pretend that these birds get that glutinous matter from a kind of oysters, or some other shell-fish, which abounds in those seas, and are of the kind called in Latin *chama*, which is a sort of cockle. It may be that those swallows take the materials of their nests from both these sorts of sea insects; they crooked and strong bills shew sufficiently that they are able to tear those animals to pieces, and take their substance away.

To come now to the use of these insects, it must be observed, that they are by no means sought for on account of their taste only, as is in some relations falsely asserted: for it is certain that they are of an insipid taste, which must be heightened with seasoning, mixing them with good meat, to make them good and palatable; so far are they from serving instead of spice to season other meat, as was thought formerly.

But they are reckoned good, light, and wholesome food, very proper for sick people; they are so well dressed with several other good ingredients, that they prove an excellent dish to those who do not know what it is; and as the materials with which they are made come from fish, they are not insalubrious.

The Dutch use a great many of these nests, and as many in proportion as the Chinese, both at Batavia, and in other parts of the East-Indies. Their ships, especially, have always a large provision of them for the table of their officers, which serve them instead of garden-stuff, either in soups, or dressed in the form of a meat.

The substance of these bird's-nests is very clean, and free from all manner of filth. There are seen, sometimes small feathers adhering to the inward surface of the nest, but they are easily separated, when the nest is put for some time

time in water to soak, in order to mellow and prepare them for dressing. They are white, and pretty much like vermicelli; so that they are pleasant enough to the sight.

Of late years the Dutch, and even the English, bring some of these nests into Europe, to make the curious taste of them, or to adorn cabinets with them, rather than for any other use. In this last case they are worth keeping.

These nests are sold at Batavia from one rixdollar and an half, to two rixdollars, Dutch money, *per pound*: they are sold in parcels, being placed very regularly, the one within the other, neatly tied with strings of reeds, and neatly woven, as it were, in a basket-boot fashion, with holes, through which the nests are seen. *Memoirs of Mr. Garcin.*

BIRMINGHAM *Hard-ware-men*, or dealers of the city of London, Sheffield, Birmingham, hardwares, are so called because they principally trade in, and mostly wholesale, all sorts of tools, smaller utensils, toys, buckles, buttons, in iron, steel, brass, &c. made in London, and the great trading towns of *Birmingham* in Warwickshire, and *Sheffield* in Yorkshire, where many thousand of artizans, in different branches, are constantly employed, but for the most part in the smithery and cutlery ways.

There are but few of these in London; yet almost all of them carry on a very extensive trade, and are reputed wealthy. It is not easy to conceive, much less to describe, the numerous articles that pass through their hands: therefore a youth, desirous to serve an apprenticeship to this business, should be ready and acute, not want a good memory, write a plain hand, know arithmetic, and somewhat of book-keeping.

This trade will require at least five hundred pounds to set a man up; and one that intends to pursue business with spirit, may employ two thousand pounds.

BIRTH, in *marine affairs*, signifies a proper place for a ship to ride in; also, the distance between a ship and the shore, &c. when she is under sail.

Birth, also signifies a place separated by canvas, &c. where the sailors mess, and put their chests.

BIS, twice, used in accounts to denote duplicates of folio, or of accompts.

BISA, **BIZA**, or **BIZE**, is a money of Pegu, with the same currency as a half ducat. *Biza*, or *piza*, is also a weight in the same kingdom for weighing of merchandize; it is about 2 lb. 5 oz. heavy weight of Venice, or 3 lb. 9 oz. the futtle, or light weight of that city; it likewise weighs 100 tecalis; besides this, the smallest weights are the abucco, weighing 12½ tecalis; the agito, weighing 2 abocchis, and 2 agiti the demi-biza, that is, 50 tecalis. Its value as a coin, is 1 s. 8 d. sterling, and as a weight, it answers to 12 ounces avordupoize.

BISANTAGAR is almost in the middle of the kingdom of Gusurate, where a great deal of cloth and thread are made for transportation.

BISCAY, the most north-east principality of Old Spain, which, although subject to the kings of Spain, yet they stile themselves lords of Biscay. As generally taken, it is divided into three provinces, viz. Biscay, properly so called, Guipuscoa, and Alaba, or Alava. The whole is bounded on the west by that slip of Old Castile which reaches to the sea, and parts Asturias from Biscay on the south. The ridge of mountains branching from the Pyrenees, separate it from Old Castile on the south-east, as the same mountains part it again from Navarre, and the little river Cidaro from France, on the east; and on the north side it is washed by the Cantabrian sea, called commonly the Bay of Biscay. The whole length, from east to west, is about a hundred and twenty miles, and from north to south, where broadest, somewhat less than sixty.

The country is mountainous and barren, producing neither wheat, barley, wine, nor oil, but abundance of millet seed, and fruit; so that cyder is here in plenty, and is the common drink of the inhabitants, excepting a small sort of wine made there, which they call *chacolino*. Some flax is likewise produced in their vallies, and abundance of timber for shipping on the hills. But their greatest treasure consists in their inexhaustible mines of iron, which is esteemed the best in the whole world, and is, therefore, transported thence into all parts.

Here are whole towns of smiths, that carry on the manufacture of all sorts of iron-work, especially in the military and naval way; and their workmanship is extremely neat and elegant. There are likewise very considerable quantities of wool shipped off into most foreign nations, from their sea-ports where they have an important woollen manufacture of fine broad cloths, but most of the wool is brought thither from Old Castile. Some, however, they have here; but, as it is neither so fine, nor in any quantity, they manufacture it wholly for their own use.

Ordunna, a port-town in this province, situate twenty-five miles south-west of Bilboa, is the only place in this province that is dignified with the title of city. It is seated in a plentiful vale, surrounded with high mountains, and distant about eighteen miles from the sea. It is more considerable for its trade than bigness.

Bilboa, a town, but no city, (though few cities in Spain are larger, but many smaller; neither does any city in the whole north part of Spain equal it for trade,) has a very good port; and, though it stands six miles from the sea, and the river Ibaichaval, or Nervius, on which it stands, is very small and narrow, yet the channel receives ships of good burden, and smaller vessels come up to the very town-mole, or quay. Two things make this a place of extraordinary trade: first, its being the nearest sea-port to Madrid, so that, from hence, the manufactures of other countries, especially of England, Holland, and France, are carried by land thither; and this causes a great importation of these goods. It is not a place of any antiquity, being built, as the Spanish historians say, in the year 1300; but it came into trade, and grew rich, from the goodness of its port. The second article of its greatness, is the export of those two capital products of Spain, wool and iron; both which are brought chiefly to this port. Much of the iron, also, which is in quantity inexhaustible, and in quality incomparably good, is manufactured here, and in all the country near it; and they make here all those necessary things which we call in England hard-ware, as also handy-craft stores, in which iron is necessary, such as mechanic and artificers tools, and tools for husbandry, nails, locks, chains, jacks, crows, pick-axes, wheel-works, &c. as also steel, and steel-ware; with all kinds of military iron-work, such as swords, fire-arms of all sorts, and almost all necessary utensils made of that metal. Besides this, the iron and the steel is largely exported in bars, and France takes off a prodigious quantity of it, as well as England.

Here is also a small fleet of ships fitted out annually for the whale-fishery at Greenland, or Spitzbergen; and, in proportion to the number of ships, they have succeeded as well as other nations, and shewn themselves as skilful harpooniers as any.

Dufengo stands fifteen miles distant to the south-east of Bilboa, on a small river, which descends from the mountains, with which it is surrounded on the land-side. It is inhabited by about fifteen hundred families, most of them employed in the iron manufacture, such as sword-blades, hilts, and such like military implements.

St. Sebastian is a noted port in the Bay of Biscay, and territory of Guipuscoa, situate fifty-five miles east of Bilboa, and twenty-five south-west of Bayonne. In this port have been seen upwards of a hundred English merchant-ships at a time, which have been made prizes by the Spanish privateers, in times of war with Spain. The moles will receive two hundred sail of shipping. The inhabitants do not amount to above sixteen hundred families, in two parishes; and they have no great trade but in time of war, by privateering.

It being necessary to the interest of Britain that she be well acquainted with the policy of its neighbouring countries, and in particular attentively watchful of every measure they pursue with relation to their commercial interests; it may not be altogether amiss to observe what a late very ingenious Spanish writer has said, with regard to the Biscayners, especially as there has been for some years a spirit rising in Spain, that does not forebode any good to the trade of these kingdoms:

“The navigation and commerce, says this Spanish writer, of these provinces (meaning *Biscay* and *Guipuscoa*) by sea, have been much impaired by losing several ships in the expeditions of the late war; for they have not been

able to replace them, and build others, as they have had very bad harvests, and are not yet paid the whole of what was due to them for freights, and other things: so that it will be very reasonable and expedient to order the balance of their accounts to be paid immediately, that they may be enabled to build and fit out other vessels, and thus revive and improve their fishery and commerce by sea.

“As it is also certain that money is now very scarce in Guipuscoa, where the principal disbursements were usually made for building ships, and other necessary and chargeable preparations for a fishery that is any ways considerable, I should apprehend it a very good piece of policy to make them a tender, out of the king's revenue, of twenty-five or thirty thousand doubloons, without interest, for their first expences, which usually run high, upon the condition of their repaying it in six years. My intention is, that in the two first years they be not obliged to return any part of it; but, in the four following, to do it in equal payments, till the whole be discharged; and, for a security that the loan be repaid in the form and manner that shall be stipulated, let the province of Guipuscoa stand engaged for it, besides the joint bonds given by the private persons who are to receive the money. That the distribution of the money, the execution of the bonds, the securities, and other points, may be well conducted, and with all the precaution that is requisite on such occasion, let there be chosen out of that province, or sent from the court, a minister of known abilities and public spirit, charged with this commission, to dispose their minds to it, encourage associations, and every thing that should tend to enlarge the fishery of *bacalao*, on the banks of Newfoundland, as also the fisheries for whales, herrings, &c. in those parts where found to be in plenty.

“Should the English, in opposition to all the reasons above-mentioned, still persist in disturbing his majesty's subjects in this fishery, and it be not proper to employ force in order to take satisfaction, and maintain their just rights, till we have first tried all the gentler methods which prudence dictates; in my opinion, they should also be given to understand that his majesty, among other expedients, may avail himself of the sovereign right he possesses to prohibit the consumption of *bacalao* in all his dominions. This too is a measure very practicable, and may be done without any great inconvenience to the common people, whenever the fishery of his majesty's subjects, both on our own coasts, and in other seas, shall be encouraged and enlarged in the way I propose, and also supported by the provisions I recommended on the subject of guarda costas. For as the fishing of *bacalao* was not begun, or even discovered in Newfoundland, but since the year 1500, and Spain, though much more populous, was able to support herself for above a thousand years without this commodity, and all the time observe the vigils and days of abstinence in the catholic religion; it should, methinks, be no extraordinary or difficult thing to maintain ourselves without it, and so well, as to find no want of it. But I should not advise this step till the other, which I have pointed out as a means likely to relieve, in a great measure, the misfortunes we sustain from the large consumption of salt-fish from abroad, prove to be insufficient for the purpose.”

This author, after shewing the advantage which the English, French, and Dutch have derived from their fisheries, takes no little pains to animate the Spanish nation to pursue the like policy; and that the Biscayners and Guipuscoans, in particular, should vie with the English in their fishery, on the banks of Newfoundland, and, indeed, that they should vigorously attempt to supply themselves with fish of all kinds, instead of purchasing those of England, Scotland, Ireland, Newfoundland, or New England. And policy of this kind, it is said, has already taken root in Spain, together with many other maxims, which are likely to prove of no advantage to these kingdoms: all which shall be taken due notice of in their proper places, in order to forewarn the nation of the danger, before it may be too late to prevent it.

That these were not groundless suggestions of the author's, the last war has sufficiently evinced; for when Spain joined France, they made pretensions to a share of the fisheries at Newfoundland: but such care has the court of Great-Britain taken of this essential point in the *defini-*

tive treaty of peace between his Britannick majesty, the most Christian king, and the king of Spain, concluded at Paris, the 10th day of February, 1763, as to obtain the following explicit resignation, with regard to the fisheries of Newfoundland, on the part of the king of Spain, which is contained in the XVIIIth article of the said *definitive treaty*, viz. “His catholic majesty desists, as well for himself, as for his successors, from all pretensions which he may have formed, in favour of the Guipuscoans, and other his subjects, to the right of fishing in the neighbourhood of the island of Newfoundland.”

“In chapter 29, the Spanish author further says, which treats of the conduct and practice of the English, and the vast sums of money they drain from us by the sale of *bacalao*, and other salt-fish, I introduced a few remarks and observations upon this calamity, and the means which might be employed to prevent it in a great measure, and which I was led into by the reflections of an English writer, well affected to the crowns of Spain and France, in his treatise, under the title of *The Interest of England ill understood in the war of queen Anne*. And as we should never lose sight of the principal of those observations and reflections, which are the foundation of the particular provision in support of the fisheries, I have thought proper to repeat some part of them in this place.”

If the Spaniards should attempt to lay any prohibition, or higher duties on our fish, than what are now laid by subsisting treaties, they may be soon convinced that the crown of Great-Britain has it in her power to retaliate upon them, by proper measures to be taken in regard to the regulations of our own commerce. These things we shall humbly suggest, in the sequel of this work, under their essential heads.

“This minister invites the bishops to allow, throughout the year, the use of certain kinds of food prohibited upon particular days, and means, no doubt, eggs, cheese, milk, and butter, which some religious foundations are restrained from many days in the year. In all probability, he would also insinuate, that the prohibition of flesh might be moderated, as it is in the provinces of the crown of Castile, in respect to Saturdays, and may be extended to the crown of Arragon. In all these measures, he apprehends the pope will readily concur, for the reasons he there gives, and others hinted at, and, without daring to speak out, was willing to tell us, that, if by such means the Spaniards would reduce the consumption of *bacalao*, and other cured fish, which are brought them from the North and Newfoundland, they might take away this great advantage from the English, and other powers, who, by the sale of them, drain them of millions of crowns, increase their own strength, and ruin them. These great advantages, says he, so very much interest our conscience, as well as all good policy, that they deserve the particular attention of all catholic princes, and especially the pope. From the pious zeal of the holy father we have reason to flatter ourselves, that, as soon as he shall be informed of these inconveniences, he will allow, and even encourage, the measures that tend towards a remedy, even though it be necessary to substitute, in the place of numerous fast-days, another species of abstinence and restraint, that equally administers to the mortification of our souls, and does not so much to the advantage of the rivals of the crowns and the catholic church, as those frequent fast-days do, by opening a way for the importation and consumption of their salt-fish, which is a main branch of their commerce, and a great formation of their riches and strength.

“Though I have some reluctance at the thought of giving my sentiments as to the generality of these points, that are of so delicate a nature, methinks I may, without any scruple, decide in one particular. It is to solicit the permission of his holiness to allow of flesh in the kingdoms of the crown of Arragon, and in Navarre, upon those Saturdays that happen not to be particular vigils, under the restraints, and as it is practised, in the provinces of Castile. This I propose, both on the strength of the solid and well-known motives already given, and because it would be no more than what has been established for many ages, and is now practised in most parts of the kingdom of Spain, &c. As to the measures insinuated in the reflections of this writer, which regard the taking off in part the prohibition of flesh on some other days in the year, and

and permitting religious houses certain sorts of food, which they are restrained from, besides flesh, during the whole, or most part of the year, I judge it a point of greater moment, and to require more deliberation. The utmost I shall have courage to offer is, that there be laid before his holiness the reasons already given, and others that will occur; in particular, the increase of strength, and other advantages, which several nations, by means of the great consumption of salt-fish in Spain, acquire and employ against the catholic church itself, that, in his wisdom, he may vouchsafe to determine upon, and establish, those provisions, which he shall judge most effectual, and proper for a remedy; so far at least as to take off part of the inconveniencies that have been described; for never shall we be able to find a more sure way to succeed in redressing, either the grievance itself, or its accidental circumstances, than by referring it entirely to the great piety, holy zeal, and infallibility of his holiness." See *The Theory and Practice of Commerce and Maritime Affairs, written in Spanish, by the late Don Geronymo de Uztaritz, member of his catholic majesty's privy council, of the royal board of trade and the mint, and his majesty's secretary in the council and chamber of the Indies.*

BISCAY, NEW, a province of Mexico in America, is bounded by New Mexico on the north; by part of Florida and Panuco on the east; by Zacatecas on the south; and by Culiacan on the west. It is about a hundred leagues from east to west, and a hundred and twenty from north to south. Its being well watered makes it fruitful, and its situation a little above the tropic of Cancer renders it temperate. Though there is a mountainous barren part, called Topia, yet most of the country is pleasant, abounding with all manner of provisions; and, though it has no communication with the sea, yet the inhabitants are very rich, not only in cattle, corn, &c. but also in silver mines, and some of lead. The original natives are warlike, and not yet totally reduced. They have four great towns between the mines of Zacatecas and those of this country, which lie in morasses, and are therefore difficult of access. St. Barbara, St. John's, and Ende, are three little towns, built by the Spaniards, for defence of the large silver mines in the neighbourhood, and are therefore well inhabited, particularly the first, which lies two hundred and forty miles north of Zacatecas. The second lies about seventy miles north of it, and is equally rich in mines; and the third, which is also rich in mines, lies seventy miles west of the second. These are the mines, which Hennepin says, M. de la Salle aimed at, when he ranged the coast of Florida, on pretence of seeking the mouth of the river Mississippi.

BISKET, or BISCUIT, from *biscellus*, twice baked, is said particularly of that bread, which is made for voyages by sea, especially for long voyages. This sort of *bisket* must be baked four times, whereas the other sorts are baked but twice.

Bisket, in order to be good, should be made six months before it is put on board a ship: it must be of good wheat flour, thoroughly cleaned from bran, and with a well leavened dough.

Water and *bisket* are the most necessary provisions in the fitting out of ships, and, if either of these two be lost or spoiled, the crew languish away, and often perish most miserably, especially if they happen to be bound for a very long voyage. See **CORN**.

BISMUTH, a considerable heavy semi-metal, of a much harder and firmer texture than antimony, being not easily pulverized in a mortar, as that is, though not yielding to the hammer, nor shewing any the least token of ductility. It is very little susceptible of rust, and in itself is scarce sonorous, yet mixt with other metals, it adds to their sonorous quality, at the same time that it renders them more brittle; these two properties depending, in a great measure, on the same principles. It is of a fine bright silver colour, and of an extremely remarkable structure, being composed of small fasciæ of plates or laminæ, disposed irregularly among one another. It gives evident tokens, on trial, of a sulphur contained in abundance in it, and after the action of an acid it lets go a bituminous matter. It requires but an extremely small degree of fire to fuse, melting before almost any other me-

tallic substance, and it is not fixed in the fire, but evaporates with a very moderate degree of it. It very readily amalgamates with mercury, and has this peculiar quality, that when mixed with other metals in amalgamation with that body, though but in a very small quantity, it makes them run thinner in the amalgama, and occasions a great part of them to be carried through leather in straining together with the mercury.

Bismuth causes the metals that are difficult of fusion, to melt with a much smaller degree of fire than they otherwise would do. It very freely and readily mixes with any metal, and, according to the proportion in which it enters the composition, renders them more brittle, white, and approaching to the nature of the regulus of the semi-metal: But some cautions are to be used in the making these mixtures; for as the *bismuth* easily burns away, if the matters be difficult of fusion, and require a strong and intense fire, they must be fused before the *bismuth* is added, and the vessel then covered, and the whole kept no longer in the fire, than just while the mixture is made.

Bismuth is very readily dissolved in vinegar, and communicates a saccharine taste to it; it may also be dissolved in the stronger acids, as the spirit of sea-salt, spirit of nitre, and aqua fortis; from these solutions in the stronger acids it is easily precipitated, and forms a fine white powder, called magistery of *bismuth*, much used as a cosmetic. *Hill.*

BISSEXTILE, or *leap-year*, in chronology, signifies a year consisting of three hundred and sixty-six days.

The true solar year, or that space of time which flows while the sun is moving from any one point of the ecliptic, till he returns to the same point again, consists of three hundred and sixty-five days, five hours, forty-eight minutes, fifty-seven seconds, according to the most accurate observations. The year made use of by the ancient Egyptians consisted of just three hundred and sixty-five days, which being less than the true solar year by six hours nearly, they lost a day in every four years, and consequently in fourteen hundred and sixty years, which they called the great *calcular* year, or *söthiacal* period, the beginning of the year had moved through all the seasons.

Julius Cæsar finding the inconveniencies that arose from this method of computation, and considering that it was necessary the civil year should always commence on the same day which it would do if the six hours were added to every year, and being high-priest among the Romans, he ordered that every fourth year should have an intercalary day, which therefore should consist of three hundred and sixty-six days, and that this additional day should be put in the month of February; and because in the common year the 24th of February, according to the Roman way of reckoning, was the 6th of the calends of March, he ordered that for that year there should be two 6ths, or that the 6th of the calends of March should be twice reckoned; whence the year was called *bissextile*. This is called the Julian account, or old stile, according to which the year commences the 25th of March.

But, because the true length of the year consists but of three hundred and sixty-five days, five hours, forty-nine minutes nearly, it follows that, according to this way of reckoning, at the end of every four years, the civil year will begin forty-four minutes sooner than it did before, and consequently in a hundred and thirty-one years it will anticipate one whole day; and for this reason pope Gregory XIII. in the year 1582, being willing to celebrate Easter according to the original institution, and to keep up to the letter of the Nicene council, which was held in the year three hundred and twenty-five, set himself upon reforming the year, and, finding that since the Nicene council the equinox had anticipated ten whole days, he ordered that these ten days should be taken out of the calendar that year, and that the 11th of March should be reckoned the 21st, and, to prevent the seasons from going backwards as they did before, he ordained that every hundredth year, which according to the Julian form was to be *bissextile*, should be a common year, and consist only of three hundred and sixty-five days; but, because that was too much, every four hundredth year was to remain *bissextile*. This method of computation is called the Gregorian, or new-stile, and is received in most foreign countries.

According to an act of parliament passed in his late majesty's reign, it is enacted. "That in and throughout all his majesty's dominions and countries in Europe, Asia, and America, belonging or subject to the crown of Great Britain, the supputation, according to which the year of our Lord beginneth on the 25th of March, shall not be made use of from and after the last day of December, 1751; and that the 1st day of January, next following the said last day of December, shall be reckoned, taken, deemed, and accounted, to be the first day of the year of our Lord, 1752; and the first day of January which shall happen next after the said 1st day of January, 1752, shall be reckoned, taken, deemed, accounted, to be the first day of the year, 1753; and so on, from time to time, the 1st day of January in every year, which shall happen in time to come, shall be reckoned, taken, deemed, and accounted, to be the first day of the year; and that each new year shall accordingly commence, and begin to be reckoned, from the first day of every month of January next preceding the 25th of March, on which such year would, according to the present supputation, have begun or commenced: and that, from and after the 1st day of January, 1752, the several days of each month, shall go on, and be reckoned and numbered in the same order; and the feast of Easter, and other moveable feasts thereon depending, shall be ascertained according to the method they now are, till the second day of September in the said year, 1752, inclusive; and that the natural day, next immediately following the said second day of September, shall be called, reckoned, and accounted, to be the fourteenth day of September, omitting for that time only the eleven intermediate nominal days of the common calendar." After which time the years are to be computed according to the Gregorian method, which we have before explained.

BISTER, a colour used sometimes by painters to wash their designs. It is made from chimney foot boiled, and afterwards diluted.

BISTI, a small Persian money, which some good authors place among the current silver coins of Persia, and make it worth one sol, four or six deniers Tournois; but others probably more credible, and among them Sir John Chardin, only reckon the *bisti* as an imaginary coin; it is true, they call it *dinar-bisti*, which they make to be worth ten single dinars; so that on this footing, of ten thousand single dinaries, that go to a toman (another imaginary specie) there must be only one thousand of those called *bisti*. We may compute the *bisti* at three farthings sterling.

BISTORTA, so called because the root is turned, or wreathed into various rings or spires: *bistort*, or *snake-weed*.

There are three different species of this plant, which are found wild in England; but as they are seldom planted in gardens, I shall pass them over with only mentioning the common sort, which is used in medicine.

Bistorta major, radice minus intorta. C. B. The common great *bistort*, or *snake-weed*.

This genus is joined to the *polygonum* by Dr. Linnæus, who titles it, *polygonum caule simplicissimo monastachyo foliis ovatis in petiolum decurrentibus*. Mat. Med. 188.

This plant flowers in May, and if the season proves moist, will continue to produce new spikes of flowers till August: it may be propagated by planting the roots in a moist shady border, either in spring or autumn, which will soon furnish the garden with plants, for it greatly increases by its creeping roots.

The roots of this plant have been recommended for tanning of leather; but the trouble of procuring them in a sufficient quantity is too great to answer the intention. *Miller*.

BITCHEMARE, a kind of fish, which is salted and dried like cod. It is caught in some places on the coast of Cochinchina, and is part of the trade which the Cochinese drive with China. It pays duty of importation at Canton, at the rate of four mas *per pic*, and seven *per cent*. for freight. The Dutch import a great deal of it into China. It is bought for two pattacks *per pic* at Batavia, and sold again for about four taels at Canton.

BITS, chapes, daggers, dagger-blades, girdles, gloves,

harness for girdles, horse-harness, hilts, handles, knives, leather laces, lockets, pins, points, pummels, rapiers, saddles, scabbards, sheaths for knives, stirrups made or wrought beyond the sea, may not be imported to be sold, bartered, or exchanged; upon forfeiture, or the value. 5 *Eliz. cap. 7. sect. 3.* 3 *Car. I. c. 4. f. 11.* 16 *Car. I. c. 4. f. 2.*

BITTACLE, a sea-term, signifying a frame with two stories, placed in the steerage, before the place where the steerfman stands, by the millen-mast. It is all made of boards fastened together with wooden pegs, without any iron, to prevent the direction of the needle of the compass, which is inclosed in it, from being altered by the proximity of that metal. They also put a clock or watch in it, with a candle or lamp to light the steerfman.

In large ships, besides this *bittacle*, they have another for the pilot or mate.

BITTERN, that liquor which runs from the common salt, after it is taken out of the boiling-pan, and put into proper vessels. Or, it is the liquor which remains after the crystallization of the common salt.

BITTS, are two perpendicular pieces of timber in the fore-part of the ship, bolted to the gun deck and orlope-beams, their lower ends stepping in the foot-walling, the heads of which are braced with a cross-piece, with several turns of the cable taken over them, and are for securing the ship at an anchor; there are generally two pair of them; besides, there are others upon the upper-deck, which are fixed by the main and fore-mast, and called the top-sail sheet, and jeer-bits.

BITUMEN, in general sense, signifies a tenacious mineral substance, or fossil body, not soluble in water.

There are a great number of substances ranked under the general head of *bitumens*; as, *amber*, *ambergriſe*, *jet*, *asphaltum*, *phisphaltum*, *pit-coal*, &c. See each under its proper article.

BLACK, is a colour in many cases the most important, and in its use the most extensive, of all those which art is concerned in preparing or applying.

The practices of the workmen in one branch of colouring are generally little known to those who are employed in another; the several methods of applying even one colour, on different kinds of bodies, being the objects of so many distinct arts, each of which has its own rules of working, peculiar to itself, and established by long custom.

Of the arts of communicating a black colour to different subjects, there are some which have made great advances towards perfection, whilst others remain far more imperfect, in regard not only to the dispatch and facility of the execution, but likewise to the beauty and duration of the colour. Thus woollen and silk are both dyed of a permanent deep black, but with this difference, that what the woollen-dyer effects by three or four dippings of the cloth in his dyeing liquor, the silk-dyer scarcely obtains from twenty or thirty dips; whereas, on the contrary, the dyer of linen and cotton thread, however he prolongs the operation, or repeats the dippings, is unable to communicate to the thread a blackness that shall endure wearing. Thus also the printer fixes upon paper an ink which continues unaltered for ages, and which is not perhaps capable of being changed by any natural agent that the paper itself can resist; while the common writing inks soon lose of their colour both on paper and on parchment, inasmuch that records, of no very long standing, have become almost entirely obliterated.

General observations on BLACK colours.

Of *black*, as of other colours, there are many shades or varieties; different bodies, truly and simply black, or which have no sensible admixture of any of the rest of the colours, as black velvet, fine black cloth, the feathers of the raven, &c. appearing, when placed together, of tints very sensibly different.

One and the same body also assumes different degrees of blackness, according to the disposition of the sensible parts of its surface; and, in this respect, there is not, perhaps, any other colour, which is so much affected by an apparent mechanism. Thus black velvet, when the pile is raised, appears

appears intensely *black*, much more so than the silk it was made from; but on pressing the pile smooth, it looks pale, and, in certain positions, shews somewhat even of a whitish cast.

This observation is agreeable to the physical theory, which describes the blackness of bodies to the luminous rays that fall upon them, being in great part absorbed, or stifled in their pores. When the surface is composed of a multitude of loose filaments, or small points, with the extremities turned towards the eye, much of the light is stifled in the interstices between them, and the body appears dark: when the filaments are pressed close, or the surface smoothed and polished, more of the light is reflected from it, and the intensity of the blackness is diminished, though the beauty may be improved by the glossiness which results from the smoothing.

There is one case, however, in which a high polish may, on the same principle, produce blackness, in bodies otherwise even white. We find that specula of white metal, or of quick-silvered glass, which reflect the rays of light to one point or in one direction, look always dark, unless when the eye is directly opposed to the reflected rays.

As the absorption of the luminous rays, except in the case just mentioned, makes the physical cause of blackness, it is concluded that *black* bodies receive heat more freely than others. *Black* marble, or tiles, exposed to the sun, become sensibly hotter than white ones. *Black* paper is kindled by a burning-glass much sooner than white, and the difference is strongly marked: a burning-glass, too weak to have any visible effect at all upon white paper, shall readily kindle the same paper rubbed over with ink. Hence *black* cloths, when wetted, are said to dry faster; *black* habits, and rooms hung with *black*, to be warmer; *black* mould to be a hotter soil for vegetables; and garden walls, painted *black*, to answer better for the ripening of wall-fruit, than those of higher colours.

It is not, however, to be affirmed, that the like differences obtain in the impressions made by common fire. *Black* paper, held to the fire, does not seem to be affected sooner, or in a greater degree, than such as is white. It may be proper to observe also, that the combustibility of the paper may be increased, by impregnating it with substances of themselves not combustible, and which gives no colour to it. This is the foundation of one of the sympathetic inks, as they are called, of a strong solution of sal ammoniac in water, which, though colourless when written with on paper, becomes very legible on exposing the paper to the fire; that is, it occasions the parts moistened with it to scorch or burn, before the rest of the paper is hurt, to a brown or black. All the salts that have been tried produced this effect in a greater or lesser degree; nitre, allum, tartar, very weakly; sea-salt more strongly; fixed alkaline salts still more so; sal ammoniac the most strongly of all. Metallic solutions, made in acids, and diluted so as not to corrode the paper, act in the same manner.

Beside the simple blacks, there are a multitude of compound ones, inclining more or less to other colours. Thus the painters have blue blacks, brown blacks, &c. which may be made by mixing pigments of the respective colours with simple black ones, in greater or less quantity, according to the shade required. The dyers also have different blacks, and often darken other colours by slightly passing them through the black dying liquor; but the term *brown black* is in this business unknown, brown and black being here looked upon as opposite to one another. In effect, the colour called *brown black* is no other than that, which ill-dyed black cloths change to in wearing: no wonder then that it is excluded from the catalogue of the dyers colours.

The true or simple blacks, mixed with white, form different shades of grey, lighter or darker according as the white or black ingredient prevails in the mixt. The black pigments, spread thin upon a white ground, have a like effect.

Hence the painter, with one true black pigment, can produce on white paper, or on other white bodies, all the shades of grey and black, from the slightest discoloration of the paper, up to a full black: and the dyer produces the same effect on white wool, silk, or cloth, by continu-

ing the subjects for a shorter or longer time in the black bath, or making the bath itself weaker or stronger.

Hence also the dilution of black pigments with white, or the spreading of them thin upon a white ground, affords a ready method of judging of the quality or species of the colour; which, if it be a true black, will in this dilated state look of a pure or simple grey, but if it has a tendency to any other colour, that colour will now betray itself.

All the colours, in a very deep or concentrated state, approach to blackness. Thus the red liquor prepared by boiling or infusing madder root in water, and the yellow decoction or infusion of liquorice root, evaporated in a gentle heat till they become thick, look of a dark black colour, or of a colour approaching to blackness; and these thick masses, drawn out into slender strings, or diluted with water, or rubbed on paper, exhibit again the red and yellow colours, which the liquors had at first. Nature affords many black objects, whose blackness depends upon the same principle, being truly a concentration of some of the other colours. Thus in black cherries, currants, elder-berries, &c. what seems to be black is no other than an opaque deep red: their juice appears black when its surface is looked down upon in an opaque vessel, but red when diluted or spread thin. The black flint, as it is called, of the island of Ascension, held in their pieces between the eye and the light, appears greenish; and one of the deep black stones called *agate*, viewed in the same manner, discovers its true colour to be a deep red.

Native BLACK colours.

The mineral kingdom affords abundance of bodies uniformly tinted or variegated with black, or with a deep colour approaching to blackness: such are black slates, which make an ornamental covering for houses: the black touch-stone, on which pieces of metal being rubbed leave a mark of their own colour; which shews the colour the more perfectly by virtue of its blackness, and which thus enables us to judge and compare the colour and fineness of metallic compositions, with much more certainty than could be done by viewing them in the mass: the black flint so called, which performs the same office with the touch-stone, and being harder than the common touch-stones, answers better for the hard metals: the common black marbles, used for many kinds of ornamental works: the more rare black marbles, called *lapis obsidianus* or *opifianus*, which, in virtue of the very high polish it receives, was made into mirrors by the Greeks and Romans: the black *Gallinazo* stone, described by D'Ulloa, which answered the same purposes among the Indians of Peru before the conquest of that kingdom by the Spaniards: the black jet, and other substances of the same class, which are formed into many elegant toys: the plain and variegated black agates, pebbles, crystals, &c. which are cut by the jeweller. The stone called *tourmalin*, remarkable for the singular phenomena it exhibits in some electrical experiments, in its rough state of a full black colour, though when polished it looks rather of a brown black: I have been informed, says Dr. Lewis, by a skilful jeweller, that he had seen a black diamond, cut and set in a ring; tho' perhaps the examination made of it was not so rigorous as could be wished for determining its being truly of the diamond kind. However this may be, a black tinge in bodies of this class, is looked upon as an imperfection or foulness, although, when the diamond is cut, a black foil placed under it improves its beauty: for the rose diamonds, the collet, or socket, in which the stone is set, is specked with ivory black in little dots, and for brilliants it is all over blacked. Dr. Lewis had been favoured with a sight of this stone, and was himself assured that it was a true diamond. At a distance, he says, it looked uniformly black; but on close examination, it appeared in some parts transparent, and in others charged with foulness, on which the black hue depends.

Among vegetables and animals, blackness, though frequent, is less diffused, or of more limited extent. The black colour of the stalks and seeds of certain plants, that of shells, feathers, and hair, and that of the skin of the human species in certain climates, is only a superficial teint. The blackness of fruits, as already observed, is generally rather a concentration of some other colour than a true black.

black. Some woods, particularly the ebony, are tinged throughout with a true blackness, on which great part of their value depends, and which art very happily imitates on more common woods. The bony matter which lines the mouth of certain whales has likewise frequently a pretty deep black tincture, joined to another quality, elasticity, on many occasions more important than its colour.

Among the various substances which nature has impregnated with a deep and permanent black colour, there are few of which art can avail itself for communicating this colour to other bodies. There is not perhaps any instance of a black colour being, as the rest of the colours frequently are, extracted from one body by means of dissolvents, and thence introduced into another. Nor can the generality of natural blacks be applied in their whole substance, some of these bodies being of such a texture, as does not admit of their being reduced into sufficiently fine powder, for being mixed with a proper cementitious matter, so as to be spread smooth; and others having their colour destroyed by the pulverization. Of these last we see an instance in the common black slates, which may be scraped into a white dust, in which the slightest scratches look white, and which, when drawn along any other black body, as hard as themselves and not polished, leave a white mark; a property which, while it renders them utterly unfit for any purposes in painting or staining, is that on which their use depends for occasional writing, or for making pencils for writing on other stones. It is obvious, that for this intention, black stones are better adapted than those of any other colour; and that the stone should be somewhat harder than the pencil, that the marks may be proceed chiefly from the pencil, without scratching the substance of the stone.

The only known native blacks that have been employed as colouring materials, are the following.

BLACK chalk.

The black chalk, or black marking stone of the shops, so called from its use in drawing black lines on paper, is a light earthy substance, of a pretty deep black colour, moderately firm, in texture somewhat flaky, like slate, not of a rough harsh substance, like common chalk, but rather soft and smooth to the touch. It stains very freely, and, in virtue, of its smoothness, makes very neat marks. It is easily reduced into an impalpable soft powder, without any apparent diminution of its blackness. In this state, it mixes easily with oil into a smooth paste; and being diffused through water, it slowly settles, in a black slimy or muddy form; properties which make its use very convenient to the painter, both in oil and water-colours. Entire masses of it, laid in water, are also by degrees penetrated and diffused, though much more difficultly than those of white chalk.

It appears, in effect, to be an earth of a quite different nature from common chalk, and seems to be rather of the stony bituminous kind. In the fire it becomes white, with a reddish cast, and very friable; retaining its flaky structure, and looking much like the flaky masses which some sorts of pit-coal leave in burning. Acid liquors neither dissolve, nor alter the colour of the black chalk itself; nor have they, as far as could be observed, any sensible action upon the white ashes.

Our colour-shops are said to be supplied with this useful earth from Italy and Germany; though some parts of England afford substances, nearly, if not entirely, of the same quality, and which are found to be equally serviceable, both for marking and as black paint. Such particularly is the black earthy substance called *killow*, said by Mr. Merrett, in his *Pinax Rerum Britannicarum*, to be found in Lancashire; and by Mr. Da Costa, in his History of Fossils, to be plentiful on the side, near the top, of Cay-Avon, an high hill in Merionethshire. The *killow* has somewhat of a bluish or purplish cast mixt with its blackness, as the black chalk likewise has; hence it is named by Merrett, blue-marking stone, *lapis cœruleus killow dictus ducendis lineis idoneus*. There is a harder and softer kind of it, *killowice duriuscula et molliuscula* of Woodward's Method of Fossils.

PIT-COAL.

From the deep glossy black colour of some of the common sorts of pit-coal, some have been induced to make trial of them as paints: their affinity to oils, in virtue of their bituminous nature, promised also some advantages, in oil-painting, above the substances of a more earthy kind. Several of the finer pieces levigated into an impalpable powder, being mixed both with oil and with gum-water, were applied on paper and on wood. Both mixtures, when laid on thick, appeared of a pretty good black colour, though much inferior to that of the coal at first; and the oily one seemed to dry sooner than oil-paints generally do. Laid on thin, or in a dilute state, they looked brown, not of the grey colour which results from the dilution of a pure black. Pit-coal therefore may be considered, not as a true black, but as a brown black; a colour on many occasions wanting in painting, and which is often in business produced with this material.

As different sorts of pit-coal, and different pieces from one pit, differ much from one another in degree and species of colour, some care should be taken in the choice of them, according to the purpose they are intended for. All the sorts, at least, require long grinding, in order to their being reduced into a powder of sufficient fineness.

BLACK Sands.

The black sands, one of the brightest and most beautiful of which is found in Virginia, lose their colour on being ground into powder, and hence cannot be used as pigments. There are however cases, in which they may contribute to the embellishment of certain works, by being strewn upon oil-paintings for a sparkling black, in the same manner as smalt is strewn for blue. In this intention they are used on writings, preferably to the white sands, as they do not weaken the colour of the ink, but coincide with its blackness, and give an agreeable lustre.

BLACK Lead.

This mineral is dug in our own country; and is here, as Dr. Woodward observes, in the preface to his Method of Fossils, more plentiful, and of a better kind, than in any other part of the world. According to Dr. Plott's account, in the Philosophical Transactions, N° 240, it is found only at Keswyc, in Cumberland, and is there called *wad* or *killow*, by which last name, as we have already taken notice, an earth like the black chalk is distinguished in other places.

The colour of black lead, rather a deep shining bluish grey than a black, may be seen diluted a little, in the black melting-pots, when broken, or the surface scraped off, and entire in the genuine sort of black pencils. It differs not a little in goodness, some sorts marking paper freely, and others very difficultly, or scarce at all. It is smooth and as it were unctuous to the touch, and hence is sometimes used instead of oil or soap, for giving slipperiness to the rubbing parts of machines. Acids neither dissolve it, nor alter its colour or unctuousity.

Black lead has not been found to contain any of the metal from which it receives its name, and its composition appears to be of a very singular kind. From its known resistance to vehement degrees of fire, whether urged by itself in close vessels, or made with clay into melting pots, and placed among the burning fuel, it should seem that it could not partake largely of any volatile substance; and it has been generally supposed to consist chiefly of a talky earth. But Mr. Qvist relates, in a curious paper of experiments of black lead, published in the Swedish transactions for 1754, that having exposed many different specimens of this mineral to a strong heat, on a scorifying dish under a muffle, they all yielded sulphureous fumes and flowers in great abundance; and that there remained behind, from one sort, only a fifth part of its weight, and from another no more than a twentieth part, of a yellow or brown calx, which being treated with inflammable fluxes, yielded seven tenths its weight of a metallic mass, which seemed to be mixture of iron and tin. Agreeably to these experiments, in an Essay for a New System of Mineralogy, published

published lately in Sweden, ascribed to the celebrated Mr. Cronstedt, and which bears strong marks of knowledge and experience in the mineral kingdom, black lead is classed among the sulphureous minerals, and called *sulphur fatiated with iron and tin*.

I could not persuade myself, says Dr. Lewis, that the minerals, on which the above experiments were made, could be such as are called among us black-lead, till some of the finest black-lead of our pencil-makers, weighing one hundred and fifty-eight grains, in three pieces, having been kept of a moderately strong red heat on a scorifying dish for three hours, with the common precaution of covering the vessel for a time, left the matter should crackle, and some particles be thrown off from it in substance; I found it reduced to about an hundred and twenty grains, and all the pieces changed on the outside to a sparkling rusty brown calx, of which a considerable part was attracted by a magnetic bar, the internal parts continuing of the same appearance as at first. Being then broken into smaller pieces, and exposed to a little heat for two hours, it suffered the same change as before, and was reduced to about sixty grains. Being further broken, and calcined with a moderate red heat for ten hours, it was diminished to thirty grains; and by a repetition of this operation, to twelve grains, or a fourteenth part of its first weight.

The remarkable dissipation, in these experiments, of a substance which in close vessels resists intense fires, may be somewhat illustrated by the known property of charcoal, which when excluded from the action of the air, whether by being inclosed in a vessel, or mixed with clay into a mass, remains unconsumed and unaltered in the fire. Masses of black-lead seem to calcine and suffer a dissipation only on the surface; the internal part remaining long unchanged, unless the mass be broken, or the calx rubbed off, so as that fresh surfaces may be exposed to the air. The common black-lead melting-pots, made of clay and the coarser kinds of black-lead powdered, like those made of clay and charcoal powder, lose their external blackness, with part of their weight, and thus have their staining quality destroyed, by strong fire. Hence furnaces made of these pots, after they have suffered strong fire, cease to discolor the hands.

Black-lead in fine powder, stirred into melted sulphur, unites with it so uniformly, and in such quantity, in virtue perhaps of its own abounding with sulphur, that though the compound remains fluid enough to be poured into moulds, it looks nearly like the coarser sorts of black-lead itself. Probably the way which prince Rupert is said to have had, mentioned in the third volume of Dr. Birch's History of the Royal Society, of making black-lead run like a metal in a mould, so as to serve for black-lead again, consisted in mixing it with sulphur or sulphureous bodies.

On this principle the German black-lead pencils are said to be made; and many of those which are hawked about by certain persons among us, are prepared in the same manner: their melting, or softening, when held in a candle, or applied to a red-hot iron, and yielding a bluish flame, with a strong smell like that of burning brimstone, betrays their composition; for black-lead itself yields no smell or fume, and suffers no apparent alteration in that heat. Pencils made with such additions are of a very bad kind; they are hard, brittle, and do not cast or make a mark freely either on paper or wood, rather cutting or scratching them than leaving a coloured stroke.

The true English pencils (which Vogel, in his Mineral System, and some other foreign writers, imagine to be prepared also by melting the black-lead with some additional substances, and casting it into a mould) are formed of black-lead alone, sawed into slips, which are fitted into a groove made in a piece of wood, and another slip of wood glued over them: the softest wood, as cedar, is made choice of, that the pencil may be easier cut; and a part at one end, too short to be conveniently used after the rest has been worn and cut away, is left unfilled with the black-lead, that there may be no waste of so valuable a commodity. These pencils are greatly preferable to the others, though seldom so perfect as could be wished, being accompanied with some degree of the same inconveniences, and being very unequal in their

quality, on account of different sorts of the mineral being fraudulently joined together in one pencil, the forepart being commonly pretty good, and the rest of an inferior kind. Some, to avoid these imperfections, take the finer pieces of black-lead itself, which they saw into slips, and fix for use in port-crayons: this is doubtless the surest way of obtaining black-lead crayons, whose goodness can be depended on.

BLACK vegetable juices.

The excellent black varnish of China and Japan, which has hitherto been but imperfectly imitated in Europe, and which was formerly thought to be an artificial composition of resinous bodies coloured with black pigments; has been discovered, by the later travellers in these countries, to be a native juice, exuding from incisions made in the trunks of certain trees. One of these trees, according to the account given of it in Kæmpfer's *Aménités Exotiques*, is that whose fruit is sometimes brought to Europe, as a medicinal drug, under the name of *anacardium*. See ANACARDIUM.

The anacardium itself, as it comes to us, is remarkable for a black colouring juice. It is a kind of nut, with a double shell, containing, in the space between the outer and the inner shell, a fungous substance filled with a dark-coloured viscous fluid, which is easily forced out, by cutting the nut, and squeezing it between the fingers: a little warmth, by liquifying the thick matter, makes it come out more freely; though the quantity obtained, either with or without heat, is not very considerable. This juice, rubbed on linen or cotton, gives a reddish brown stain, which soon deepens in the air to a black, and which has not been found discharged by washing, and boiling, with soap or alkaline ley. Hence the *anacardium* is said to be used for marking linen and cotton cloths, and to be known all over India by the name of marking-nut.

The cashew nut, called by some the anacardium of the West-Indies, and which in several respects has a great resemblance to the oriental anacardium, differs from it in its colouring quality, the juice lodged between its shells being much paler, and giving to linen, cotton, or paper, only a brownish stain, durable indeed, but which does not change at all towards blackness.

There are however trees, natives of our own American colonies, which appear to contain juices of the same nature with the valuable productions of the Indian. Of this kind are several, and perhaps the greater number of the species of *toxicodendron*, or poison-tree. Mr. Catesby, in his History of Carolina, describes one, called there the *poison-ash*, from whose trunk flows a liquid, black as ink, and supposed to be poisonous: this reputed poisonous quality has hitherto deterred the inhabitants from attempting to collect or make any use of it. The abbé Mazeas, in the Philosophical Transactions, vol. xlix. for the year 1755, gives an account of three sorts of the *toxicodendron*, raised in a botanic garden in France, containing in their leaves a milky juice, which in drying became of a deep black, and communicated the same colour to the linen it was dropt on: the linen, thus stained, was boiled with soap, and came out without the least diminution of its colour; nor did strong ley of wood-ashes make any change in it. Several of these trees have been raised in the open ground in England: some of them still remain in the bishop of London's garden at Fulham, after having been long neglected, and suffered many severe winters. See a catalogue of the exotic trees in this garden, by Dr. Watson, in the Philosophical Transactions, vol. 47. for the years 1751, and 1752. They appear also to perfect their colouring juices, in this, nearly as well as in their native climate. The species called by Mr. Miller the true *lac tree*, now growing in Chelsea garden, was found to contain, in its bark, and in the pedicles and ribs of the leaves, a somewhat milky juice, which soon changed in the air to a reddish brown, and in two or three hours to a deep blackish or brownish black colour: wherever the bark was cut or wounded, the incision became blackish; and on several parts of the leaves the juice had spontaneously exuded, and stained them of the same colour. This juice, dropt on linen, gave at first

little or no colour, looking only like a spot of oil; but by degrees the part moistened with it darkened in the same manner as the juice itself. On washing and boiling the linen with soap, the stain not only was not discharged, but seemed to have its blackness rather improved; as if a brown matter, with which the black was manifestly debased, had been in part washed out, so as to leave the black more pure.

It were to be wished that some attempts were made, for collecting the colouring juices of these trees, in sufficient plenty, for answering the important purposes to which they promise to be applicable. Perhaps also means might be found of introducing into some parts of the extensive dominions of Great-Britain, in which all varieties of soil and climate are now to be met with, the oriental trees themselves, to which some of the Indian manufactures are supposed to owe distinguished advantages. This there are now some grounds to hope for, from the patronage of a society, whose encouragement has already so greatly promoted the culture of many valuable plants and trees.

As the milky juices of some of our common plants turn dark coloured or blackish in drying, trial has been made of several of them on linen: the milks of wild poppies, garden poppies, dandelion, hawkweed, fow-thistle, gave brown, or brownish-red stains, which were discharged by washing with soap: the milks of the fig-tree, of lettuces, and of different kinds of spurge, gave no colour at all. The colourless juice which issues from hop-stalks when cut, stains linen of a pale reddish or brownish-red, extremely durable: I tried, says Dr. Lewis, to deepen the colour by repeated applications of the juice, but could never make any approach to blackness. The juice of sloes gave likewise a pale brownish stain, which, by repeated washings with soap, and wetting with strong solutions of alkaline salt, was darkened to a deeper brown: on baking the sloes, their juice turns red, and the red stain which it then imparts to linen is, on washing with soap, changed to a pale bluish, which also proves durable. The juices both of the raw and baked sloes were applied repeatedly on the same spots, in order to deepen the respective colours; and the brown or reddish brown stain of the raw sloe, and the blue of the baked were applied on one another. In all these ways a stain was obtained, which, when slightly washed with soap, looked of a pretty deep black; but by longer washing, much of the colour was discharged, and little more was left than a single application of the juice would have produced. The sloes were tried in different states of maturity, from the beginning of September to the middle of December; and the event was always nearly the same. Though these experiments, with many others of the same kind, proved unsuccessful in regard to the production of the colour here intended, they serve to point out means, which may be convenient and useful on some occasions, of marking linen with a colour, pale indeed, but sufficiently visible, which soap does not discharge.

In the fifth volume of the celebrated Linnæus's *Amœnitates Academicæ*, mention is made of a black colour obtained from the berries of two plants, which grow wild in some of the northern parts of England. One is the *alcea spicata*, or *christophoriana*, herb-christopher or bane-berries; the other *empetrum procumbens* or *erica baccifera nigra*, black-berried heath, crow-berries, or crane-berries. The juice of the bane-berries, boiled with allum, is said to yield a black ink; and the heath-berries, boiled also with allum, to dye cloth of a purple-black.

BLACK produced by fire.

The action of fire properly applied, in the burning of animal and vegetable substances, produces, in the coal, and in the soot, the two most durable and useful blacks of the painter and the varnish-maker. The coal in particular is of extreme permanence, resisting the force of time, and all the known agents of nature, except only that of an open fire, which burns it into white ashes. Some bodies of the metallic kind assume also, in certain circumstances, a black colour from fire.

Charcoal BLACKS.

Most of the blacks of this class, besides their incor-

ruptibility, have the advantage of a full colour, and work freely in all the forms in which powdery pigments are applied, provided they have been carefully prepared, by thoroughly burning the subject in a close vessel, and afterwards grinding the coal into a powder of due fineness.

Pieces of charcoal are used also in their entire state, for tracing the out-lines of drawings, &c. in which intention they have an excellence, that their mark is easily wiped out. For these purposes, either the finer pieces of common charcoal are picked out and cut, to a proper shape; or the pencils are formed of wood, and afterwards burnt into charcoal, in a crucible, or other like vessels, covered and luted. When the process is skillfully managed, the coal retains exactly the figure of the wood: some have been so dextrous as to char an arrow, without altering the form even of the feather. The artists commonly make choice of the smaller branches of the tree, freed from the bark and the pith; and some particular kinds of wood, as the willow and the vine, they generally prefer to others. To discover the foundation of this preference, and how far the coals of different vegetables differ from one another as colouring materials, Dr. Lewis made the following experiment.

Small branches of the willow, vine, cherry, apple, pear, peach, plum, fig, birch, oak, elder, alder, yew, sloe, hazel, fir, and pine-trees, were thoroughly dried, and inclosed in a mass of luting, made of clay, beaten up with sand and horse-dung: the mass, dried slowly and gradually heated to prevent its cracking, was kept red-hot about three hours. On carefully breaking it, the pieces were all found well charred; but it could not be observed that they differed greatly from one another, either in degree of colour, or in the freedom of their marking upon paper.

This experiment being little decisive, he repeated the operation in crucibles, with greater quantities of the materials, that a more exact comparison might be made of the colour of the coals, by using them as paints, both in a concentrated and diluted state. Two crucibles were filled with vine twigs, cut in small bits, freed from the knots, and thoroughly dried: the mouth of one crucible being then fitted into that of the other, the juncture was well secured with luting. Small smooth branches of most of the other kinds of trees above-mentioned, were in like manner inclosed, each in two crucibles, and all of them continued about four hours in a strong red heat. Cuttings of white paper, beaten with water into a paste, such as is called *papier maché*, that they might take up less room in the crucibles, and have less air lodged in their interstices, were dried and treated in the same manner; but some flame appearing to burst out through a small crack which the vapour had forced in the luting, it was necessary to take out these crucibles after they had been about ten minutes in a red heat: the paper, nevertheless, was perfectly charred.

The several coals were levigated into fine powder, mixed both with gum water and oil, and applied as paints, both thin and thick, by themselves, and diluted with different proportions of white. All of them, when laid on thick, appeared of a strong full black; it could not be judged that one was of a finer colour than the other. When spread thin or diluted, there were indeed some sensible differences among them, but neither very considerable, nor of such a kind as to be easily expressed or described: they had all somewhat of a bluish cast, but different persons, to whom the comparisons were referred, differed in their judgments of them, and could not fix on any particular coals as being more bluish, more truly black, or more beautiful than the rest.

Instead of the small branches, he tried next pieces of different woods, taken from the trunks of the trees. Here also the several coals appeared alike among themselves, and scarcely differed in point of colour from those of the twigs; but they seemed in general somewhat harder, and did not mark quite so freely on paper when used as crayons. Suspecting from thence that the hardness of the coal might be proportional to that of the subject it was prepared from, he made some further trials, which seemed to confirm this notion. The coals of the hard woods, box and guaiacum, were very sensibly harder than those of the soft ones: the shells and stones of fruit yielded coals still harder, which

which would scarcely make any mark on paper at all; while the coals of the kernels of fruit were quite soft and mellow.

It may be judged from these experiments, that the preference of one kind of wood to another for making charcoal crayons, does not depend so much upon any difference of colour in the coals, as on their softness; in which quality perhaps none of our common woods is equal to the willow. Dr. Grew observes, in his anatomy of plants, that in this wood the softness is equal or alike in all parts; whence the coal, when used as a crayon in painting, not only makes the stroke light, but every where certain, without disturbing the even motion of the hand. Deal or fir is likewise a very soft wood, but of unequal softness, so that when cut across, it tears, and will never polish or work smooth, whereas the willow works well in all directions.

Horns, and the bones both of fishes and of land animals, gave coals rather glossier and deeper coloured than the vegetable coals, and which in general are very hard, so as difficultly or not at all, to stain paper. It seemed here, as in vegetables, that the hardness of the coal depends on that of the subject-matter; for silk, woollen, leather, blood, and the fleshy parts of animals, yielded soft coals. Some of these coals differed from others very sensibly in degree of colour: that of ivory is superior to the rest, and is indisputably the finest of all the charcoal blacks. Indeed we have no black pigments equal in beauty to ivory black, genuinely prepared, but some care is requisite in the choice of it, what is generally sold under this name being no other than the coal of common bones.

On comparing the vegetable and animal coals together, in their lighter shades, on paper, the bluish cast, observed in all those of the vegetable kingdom, was much less conspicuous in those of the animal, many of which seemed to incline rather to brown than to blue. In the colour-shops, a preparation is sold under the name of blue-black, which in this respect differs from the animal, and agrees with the vegetable coals, seeming to have no greater a degree of blueness than the coals of the woods and twigs above-mentioned, and even than common charcoal. That this preparation is no other than a vegetable coal, appeared from the following experiment. Laid on a red-hot iron, it burnt and glowed like powdered charcoal, and turned into white ashes; which ashes, thrown into oil of vitriol, diluted with water, very readily dissolved into a bitterish liquor, the characteristic by which the vegetable earth is distinguished. From what particular vegetable matter this blue-black is prepared, experiments cannot discover; but those already mentioned seem sufficient to shew, that it may be obtained from many, and that the choice of the vegetable subject affects rather the softness or hardness than the colour of the coal.

After examining the different substances of the vegetable and animal kingdoms, Dr. Lewis tried a mineral body, *pit-coal*, of which several pieces, of different sorts, were charred by him in close crucibles. The charred coals, reduced into fine powder and used as paints on paper, shewed nothing of the brownish hue which the unburnt pit-coal had when tried in the same manner, all of them inclining to bluish, and most of them having this cast in a greater degree than any of the vegetable coals. The blue-black of the shops cannot however be of this origin, the ashes of the charred pit-coal not being dissoluble by the vitriolic acid, as those of the blue-black were found to be.

Soot-Blacks.

The soot-blacks are in general much softer, and of a more yielding texture than those of the charcoal kind, and require much less grinding for uniting them with oily, watery, or spirituous liquors, into a smooth mass: of some of them a part is dissolved by water or spirit of wine, while none of the charcoal-blacks have been found to contain any thing dissoluble.

This soluble matter of soot is not however black like the indissoluble parts; and in this particular, as well as in the colour of the entire mass, different sorts of soot differ from one another. Thus the soot of pit-coal collected in common chimneys, of itself rather greyish-black than of a

full black, being infused separately in rectified spirit of wine and in water, tinged the former of a transparent reddish colour, and the latter of a paler reddish; while the deeper black soot of wood, both to spirit and to water, gave an opaque dark brown.

From the watery infusion of wood soot is prepared the brown pigment, called *bistre*, for painting in water-colours. According to Mr. Landois, in the French *Encyclopédie*, the soot is either boiled in water, or ground with a little urine (water will do as well) into a smooth paste, and then diluted with more water: after standing for about half an hour, till the grosser substance of the soot has settled, the liquor is poured off into another vessel, and set by for two or three days, that the finer parts may fall to the bottom, which fine matter is the *bistre*. That the *bistre* of our colour-shops has been prepared by a process of this kind, and not, as some have suspected, by evaporating the infusion of soot to an extract, may be presumed both from its appearance and its qualities. It is in little masses, such as are obtained in the common way of drying precipitates, or earthy powders that have been ground with water, by dropping them on a chalk-stone. It readily mingles with water, and continues for a time uniformly diffused through the fluid; a considerable part was observed to settle in an hour or two, a part more slowly; and after standing for many weeks, a part remained dissolved in the water, so as to tinge it of a brownish-yellow colour, like a weak infusion of soot: this tinged liquor passed through a filter, without any separation of the colouring-matter. In the preparation of the *bistre*, when the soot liquor has deposited all that will settle, the sediment, however drained, will necessarily retain some of the coloured fluid, which, drying, will leave in it some of the truly dissoluble parts of the soot; and hence probably proceeds the matter in *bistre*, which we find to continue dissolved in water, the proportion of which is inconsiderable, compared to that which precipitates. Different parcels of *bistre* differ considerably in their colour, on account, probably, of the different qualities of the soots which they were made from.

The finest of the soot-blacks, and the only one commonly made use of as a black pigment, is that called *lamp-black*, which is brought directly from Germany and Sweden. Its preparation is described in the Swedish transactions for the year 1754, as a process dependant on the making of common resin: the impure resinous juice, collected from incisions made in pines and fir trees, is boiled down, with a little water, and strained, whilst hot, through a bag: the dregs and pieces of bark, left in the strainer, are burnt in a low oven, from which the smoke is conveyed, through a long passage, into a square chamber, having an open in the top, on which is fastened a large sack, made of fleasy or thin-woven woollen stuff: the soot or lamp-black concretes partly in the chamber, from which it is swept out once in two or three days; and partly in the sack, which is now and then gently struck upon, both for shaking down the soot, and for clearing the interstices between the threads, so as to procure a sufficient draught of air through it. Considerable quantities of this soot are prepared also in some parts of England, particularly at the turpentine houses, from the dregs and refuse parts of the resinous matters which are there manufactured.

The soot arising in common chimneys from the more oily or resinous woods, as the fir and pine, is observed to contain more dissoluble matter than that from other woods; and this dissoluble matter appears, in the former, to be more of an oily or resinous nature than in the latter, spirit of wine extracting it most plentifully from the one, and water from the other. The oiliness and solubility of the soot seeming therefore to depend on those of the subject it is made from, it has been thought that lamp-black must possess those qualities in a greater degree than any kind of common soot. Nevertheless, Dr. Lewis on examining several parcels of lamp-black, procured from different shops, could not find that it gave any tincture at all, either to spirit or to water. Suspecting some mistakes or sophistication, or that the lamp-black had been burnt or charred, as it sometimes is to fit it for some particular uses, he prepared some soot from lint-feed oil, by hanging a large copper pan over the flame of a lamp, to receive its smoke.

smoke. In this method the more curious artists prepare lamp-black for the nicer purposes, and from this collection of it from the flame of a lamp, the pigment probably received its nature. The foot so prepared gave no tincture either to water or to spirit, any more than the common lamp-black of the shops. He tried different kinds of oily and resinous bodies, with the same event: even the soots obtained from fish oil and tallow, did not appear to differ from those of the vegetable oils and resins. They were all of a finer colour than the lamp-black commonly sold.

Some foot was collected in like manner from fir and other woods, by burning small pieces of them slowly under a copper pan. All these soots were of a deeper black colour than those obtained from the same kinds of wood in a common chimney, and very little, if at all inferior to those of the oils: they gave only a just discernible tincture to water and spirit, while the soots of the chimney imparted a strong deep one to both. The foot of mineral bitumens, in this close way of burning, appears to be of the same qualities with those of woods, oils, and resins: in some parts of Germany, great quantities of good lamp-black are prepared from a sort of pitch.

It appears therefore that the differences of soots do not altogether depend on the qualities of the subjects, but in a great measure on the manner in which the subject is burnt, or the foot caught. The soots produced in common chimneys, from different kinds of wood, resinous and not resinous, dry and green, do not differ near so much from one another, as those which are produced from one kind of wood, in a common chimney and in the more confined way of burning above mentioned.—We shall have occasion under other articles to discourse further of this matter, as of dying woollen and silk black, linnen, cotton, &c.

BLACK-SEA, or EUXINE-SEA. The Venetians have often endeavoured to commence a trade to this sea, more especially to Caffa, and in 1672 obtained leave, by the lively representations, and the more persuasive arguments of large presents, which their bailly the Chevalier Quirini made; but upon the remonstrances of the superintendant of the custom-house at Constantinople, who suffered in his interest by this concession, and also under the political apprehension, that the European christians would, by this means, more easily have a correspondence with those of their religion settled on that coast, the privilege was revoked, and no European nation has been able to obtain one since.

Caffa has an excellent road, and its port is where the greatest business is carried on in all the *Black-Sea*, it being common to see arrive, or sail, four or five hundred vessels together. Here is a great trade carried on in corn, salt, furs, and butter; this last being esteemed the best in all Turkey; but that which attracts the greatest number of shipping, and what induced the Venetian ambassador to purchase the afore-mentioned liberty at so great a price, is the large quantity of sturgeon taken in the *Palus Mæotis*, of whose salt roes the Italians are exceeding fond; and not only they, but several other nations of Europe and Asia. Some accounts say, that many of these fish here weigh eight or nine hundred pounds, and their roes three or four quintals; and though these relations may be something exaggerated, it is certain that there are none elsewhere, either so large, or abundant; but as the trade of this part is in general so very great, we shall give our readers an abstract of a very curious memoir drawn up by a person well acquainted with it.

The commerce (says he) of the *Black-Sea* is so considerable, by the advantages it affords, and the great quantity of goods it takes off, that the yearly import of them is supposed to be more than three millions of dollars; Caffa is one of the principal ports in it, distant about seven hundred miles from Constantinople; the Turks, Greeks, Persians, and Muscovites, are the people who support this trade, and vast quantities of merchandizes sell here, both for the consumption of the place, and that of many others, with which it maintains a correspondence. Here are annually sold to the value of twelve or fifteen thousand dollars in Venetian brocades; here is likewise sold another sort in which the gold and silver is false, and the flowers like those of damask, to the amount of seven or eight thousand dollars. Ten or twelve bales of cloth are also annually disposed of; about twenty thousand dollars worth of

Scio damask; and to the amount of an hundred and fifty thousand dollars in taffeties striped and plain; here is likewise brought from Scio, fifteen thousand dollars worth of fustian, and some of these from Constantinople. Of coffee here is sold yearly from fifteen to twenty thousand dollars; and five to six thousand dollars in flax from Cario. Of all these merchandizes a great part is consumed in the Crim, distant about an hundred and fifty miles from Caffa; another part is sent to the ports, situated near the *Palus Mæotis*, as at Gussere, Bolovelava, Kirerei, and some others dependant on Caffa, which serves them for an magazin.

The proceeds of all these goods are commonly employed in hides, wax, wheat, barley, butter, honey, and caviar, which are the chief products of the place. Of the hides here are two sorts, the best made at Caffa being from about thirty-five to forty thousand yearly; these are carried into Smyrna by the way of Natolia, and cost about a dollar each; the second sort are of an inferior quality, tanned in the neighbourhood of that city, whose value is three fourths of a dollar each, and their number about an hundred thousand, which are sent to Constantinople.

There is annually collected at Caffa near thirty thousand ocques of wax, of which part goes to Smyrna, and the rest to Constantinople; there is also sent yearly to the latter fifty or sixty saicks (or saiques) of wheat, and from fifteen to twenty with barley; of butter Caffa remits to this capital between fifty and sixty thousand ocques; and the profit it makes by its honey, is not less than that which the wax and butter leave. In fine, this place affords some silk, though the quantity is not large, nor its quality good.

BLACK-SMITH. This artificer makes the iron-work used about buildings, and the coarser part of kitchen furniture, as pokers, trevets, &c. He also mends such iron utensils as happen to be broken. The black-smiths now give themselves the general name of *smiths*; theirs is a laborious business, which chiefly consists in the management of the fire, the hammer, and the file. Those designed for it require but little learning; for reading, writing, and common arithmetic are sufficient; but they should have great strength of body; and if they are active and ingenious, these qualifications will frequently be of great use to them, as they often meet with very puzzling and difficult jobs. From five to ten pounds is given with an apprentice; and a master may set up with fifty pounds.

BLACKWELL-HALL. *Stat. 8 and 9 Will. III. cap. 9. sec. 1.* The governors of Blackwell-hall, and their deputies, shall strictly keep the following times and rules, viz. the public market of *Blackwell-hall* shall be held every Thursday, Friday, and Saturday, from eight o'clock in the forenoon till twelve, and from two in the afternoon till five. The said hours of beginning and ending the said market shall be known by ringing the market bell in the hall. The same to be continued weekly throughout the year, except days of humiliation or thanksgiving; and the keepers of the hall shall not permit any buying or selling of any woollen cloth at the hall upon any other days or hours, upon the penalty of 100 l.

Sec. 2. The said governors, &c. shall appoint to the county clothiers the most convenient room in the hall for the sale of their cloth, and ware-house for keeping the same, paying the ancient duties of the hall.

Sec. 3. No factor, or other person, other than the owner of the cloth, shall sell, or expose to sale, out of the said market of *Blackwell-hall*, any cloth directed to be brought to the said market, or any factor there, upon penalty of 5 l. for every cloth so sold.

Sec. 4. The hall-keepers, clerks, and master-porters, shall take care that the rules and orders appointed by the act, be put in execution, and shall diligently keep their books and weekly registers of all the cloths bought and sold there; in which books they shall enter the names and habitations of the owners and buyers, and sellers, and times of sale, and other factor, or other person, buying or selling of every cloth; to which books it shall be lawful for the clothiers, their agents, or servants, at all convenient times, to have recourse, without fee. And any hall-keeper, clerk, or master-porter neglecting his duty herein, shall for every offence, forfeit ten pounds, and if any person buy any cloth of any person (except the owner) otherwise than for ready money, the person selling shall, with-

in twelve days after sale, and delivery of the same, take or demand of the buyer a note, testifying under the buyer's hand the cloth sold, and the sum of money sold for, payable to the owner, and shall deliver such note on demand, with notice of the buyer's place of abode thereon subscribed to the owner, or any person authorized by him to receive the same: on pain to forfeit to the owner of the cloth sold double the value thereof, for every neglect of so doing. And if any woollen-draper, or person trading in the woollen manufacture, buying woollen cloth upon trust, shall refuse or neglect to give such note upon request at any time next after eight days after sale and delivery, he shall forfeit twenty pounds for every cloth so sold, to the owner; and every piece of cloth not returned within eight days after delivery of the same, shall be deemed to be passed and approved of by the buyer as a merchantable cloth; and all contracts for allowing a longer time for the passing of any cloth, shall be void.

Sec. 5. All penalties imposed by this act, may be sued for by action of debt, &c. in any of his majesty's courts of record; and if not otherwise herein before disposed of, one moiety to the king, and the other to the informer.

Sec. 6. If the owner of the cloth neglect to sue for any of the penalties for the space of six months, then any other person may sue for the same, and one moiety shall be to the king, and the other to the informer.

BLACKWELL-HALL FACTOR. Those of this business act by commission from the manufacturers of the different kinds of woollen cloth in the country, but more particularly for the merchants and dealers in cloth in town; to supply whom, they contract for large quantities of the various kinds of cloth in the countries where they are made, which they deposit in *Blackwell-hall*, Basinghall-street, where there are separate places appointed for each factor; and from thence they sell them to the merchants and retail dealers. The education required for an apprentice in this business is only writing and accounts: he ought, however, to have a good fortune, for these factors take from 30 l. to 400 l. with a clerk or an apprentice; and he should have a considerable sum to enable him to begin the world with reputation.

BLADE, a thin piece of metal, extended either in length or breadth, beaten with a hammer, or cast into a mould.

It is said particularly of that part of a sword, dagger, bayonet, or other offensive weapon, that pricks or cuts. We also say the *blade* of a knife, the *blade* of a razor, to signify that part of those instruments which cuts or shaves. All these sorts of *blades* are of very fine tempered steel, or at least of iron very well sharpened. The *blades* of Damascus and England are most valued.

In England they may not be imported to be sold, bartered, or exchanged, upon forfeiture, or their value.

BLAFART, a small coin, current at Cologne. It is worth 4 albus's, and the albus 9 deniers and $\frac{2}{3}$ French money; that is, something more than a farthing of our money.

BLASOIS, a territory of Orleans in France, bounded on the west by Beaux, on the east by Orleansois, properly so called; on the south by Berry; and on the west by Touraine.

At Blois, the chief trade consists in wine and brandy, which they send to Orleans, Paris, Tours, Angiers, Laval, and even into Holland. There were formerly here a great many tanners; but the high duties laid upon leather have made that manufactory sink to nothing. They made here some serges, and other woollen stuffs; but that branch of their trade is not considerable. This city is also noted for the best watches in the kingdom. St. Die is noted for the excellent wine produced in its territory.

BLANC, a small copper coin, which was formerly current in France for five deniers Tournois. It is now only a money of account; and they still say six blancs, to signify eighteen deniers; but the latter is much more in use than the former.

BLANCHING, the art or manner of making any thing white. See **BLEACHING**.

BLANK. Thus merchants and traders call void or unwritten places, which are sometimes left in their day-books, or journals, which is a very dangerous practice,

on account of the ill use that may be made of it. Merchants books are considered as good vouchers in courts of justice, because they are supposed to have been written successively from day to day: but, as soon as there is any *blank*, or void space, found in them, were it but two lines, as it sometimes happens at the bottom of a page, the book deserves no longer any credit. Arbiters, appointed to examine merchants books, ought carefully to observe whether the disputed articles be not set down at the bottom of the pages, which is very suspicious; and, in the report they make of the condition in which they found the books delivered to them, they are to declare, whether they found any *blanks* in them or not, and whether there is any probability that there were *blanks* left, which may have been filled up afterwards.

Blank is also a piece of paper, at the bottom of which a person has signed his name, the rest being void. *Blanks* are commonly entrusted in the hands of arbiters, or friends, to be filled up as they shall think proper to terminate any dispute, or law-suit. A man must be thoroughly certain of the honesty of those whom he trusts with such a *blank*. A *blank letter of attorney* is one in which a void space is left to be filled up with the name of the person who is to act.

With regard to bills of exchange, we say a *blank indorsement*, when one only writes his name on the back of it, leaving an empty space sufficient to write either an order or a receipt.

Blank is also a term used to denote an unfortunate chance in games of hazard, as lotteries, &c.

BLANKETS and *coverlets*, may be made in any place where they were used to be made, by *stat. 4 Jac. I. c. 2. s. 16.*

There is a great manufactory of *blankets* about Witney, Oxfordshire, &c.

BLANQUIL, a small silver coin of Morocco, equal to two-pence sterling.

BLARE, the penny of Bern in Switzerland.

BLEACHING of woollen stuffs. There are three methods of whitening woollen stuffs; the first is with water and soap, the second is with vapour of sulphur, the third with chalk, indigo, and vapour of sulphur.

For the first, when the stuffs are come from the fulling-mill, they are to be put into soaped water, pretty hot, and worked afresh over a bench, which finishes the whitening which the fulling-mill had begun; lastly, they are to be washed out in fair water, and dried; this is called the natural way of *bleaching*.

The second method is what is commonly called *bleaching* by the flower, thus: the stuff is first washed in river-water, and then put to dry on poles, and when it is half dry, spread out in a kind of stove wherein the sulphur is burnt, the vapour of which diffusing itself, sticks by little and little over all the stuffs, and gives it a fine whitening.

The third method is thus: after the stuffs have been washed, they are to be thrown into cold water, impregnated with chalk and indigo, in which they are well agitated; they are washed afresh in elder-water, then half dried on poles, and then spread in a stove to receive the vapour of the sulphur, which finishes the *bleaching*.

This method of *bleaching* is agreeable to the sight, yet is not esteemed the best of *bleaching*.

This is to be remembered, that when a stuff has once received the steam of sulphur, it will scarce receive any beautiful dye, except black and blue.

BLEACHING of silk. The silk, being yet raw, is put into a lincn bag, and thrown into a vessel of boiling river-water, in which soap has been dissolved, and thus boiled for two or three hours; the bag being turned several times, taken out and beaten, then washed out in cold water, and wrung out slightly, and thrown into a vessel of cold water, mixed with soap and a little indigo.

The indigo gives it the bluish cast that is observable in white silks.

When it has been taken out of the second vessel, it is wrung out, and shook to untwist and separate the threads, and hung up in the air in a kind of stove made on purpose, in which sulphur is burnt, the vapour of which gives the last degree of whiteness to the silk.

BLEACHING of hair, is done by spreading the hair

to be bleached upon the grafs, in the fame manner as linen, after it has been firft washed out in a lixivious water.

This lye, with the force of the fun and air, brings the hair to fo perfect a whitenefs, that the moft experienced perfon may be deceived therein; there being fcarce any way of detecting the artifice, but by boiling and drying it; which leaves the hair of the colour of a dead walnut-tree leaf.

There is alfo a method of dying hair with bismuth, which renders the white hair, bordering too much upon the yellow, of a filver-colour. This alfo may be proved by boiling; the bismuth not being able to ftand it.

BLEACHING fine linens. When they come from the loom, and while they are yet raw, they are to be fteeped a day in clear water, washed out and cleared of their filth, and then thrown into a tub, filled with a cold lixivium.

When thefe are taken out of the lye, they are to be washed in fair water, then fpread in a meadow, frequently watered from little dikes or canals interperfed in the ground, by means of fcoops, or a fort of long, hollow fhovels.

After the linen has lain a certain time on the ground, and every thing has been repeated as before, it is to be paffed through a foft new lye poured on hot, and again washed in clear water, and laid a fecond time on the ground, and then paffed through a foft lye, to difpofe it to refume that foftnefs, which the other fharper lye had taken from it, then washed in clear water, foaped with black foap, and that foap washed out again in clear water; then it is to be fteeped in cow's milk, the cream being skimmed off, which finifhes the whitening; it is then to be fcoured, which gives it a foftnefs, and makes it caft a little nap; when it is taken out of the mill, it is washed in clear water for the laft time.

After all this procefs, they give the linen its firft blue by paffing it through a water, wherein a little ftarch, fmalt, and Dutch lapis have been fteeped.

In the laft place, the proper ftiffnefs and luftre is given with ftarch, fmalt, and other gums, the quantity and quality of which may be adjufted according to occafion.

The whole procefs of *bleaching* is finifhed in fine weather in a month's time; in bad weather, it takes up fix weeks or more.

BLEACHING of coarfe linens. After they are taken from the loom they are laid on wooden frames, full of cold water, where they are beaten by wooden hammers worked by a water-mill, fo as to be infenfibly washed and purged from their filth; then they are to be fpread upon the ground, in order to receive the dew for eight days, which will take off more of the rawnefs: after which they are to be put into a kind of wooden tubs or pans, with hot lye poured over them.

Having been thus lixiviated, they are again purged in the mill, then laid on the ground again for eight days more, then they are to be paffed through a fecond lye; and all things repeated, till fuch time as they have acquired their juft degree of whitenefs.

The linen manufactures of thefe kingdoms, particularly of Scotland and Ireland, where it is their chief ftaple, cannot be too much cultivated and improved; it being the quality, as well as the reafonablenefs of the price, that will render it acceptable at home as well as abroad.

And, although every part of the procefs of this manufacture fhould be executed to a pitch of excellency, fuperior to that of any other nation; yet, if the captivating beauty of whitenefs alone was wanting, that would prove an impediment fufficient to the fuccels of this general manufacture: yet, to give this colour in perfection, every other previous branch of the operation muft be duly performed, or the admired whitenefs cannot be obtained. Thus, the imperfection in this particular, both of the Scotch and Irifh linens, for a long time, confifted in the badnefs of the flax; which was afcribed by many to the want of a proper water, and extraordinary fecret materials, which the Hollanders, and other nations had, and we could not come at. But fince thefe countries have fell into the Flemifh method of raifing and managing flax, they have the more eafily come into their excellency of bleaching.

It is certain, indeed, that the goodnefs of the flax alone will not abfolutely fupply the defect of unfkilful bleaching, or of bad or improper materials for that purpofe, though it may contribute to fet it off to great advantage. In fhort, in any manufactural operation, which confifts of a variety of different parts, the fkilful performance of particulars affords reciprocal benefit to each other, and a general luftre to the whole.

BLIND, a kind of falfe light, which traders commonly have in their warehoufes and fhops, to prevent too great a light from diminifhing the beauty and luftre of their linens, ftuffs, &c.

BLOCK-MAKER. Blocks are a very material article in a fhip's rigging; the making them, therefore, is a ufe-ful employment, and requires more ingenuity than moft people imagine; for if they are not made exactly to fit each other, the fhip works heavily, and gives the failors much fatigue and labour. There are not many mafters in this bufinefs; but thofe who are compleat workmen may be fure of a comfortable fupport. They take with a lad ten pounds or more, and they work from fix to eight. They are not much expofed to the weather, working always under cover. A journeyman gets fifteen fhillings, or if a good workman, eighteen fhillings a week. It requires two or three hundred pounds of cafh or credit to fet up mafter.

BLOCK-HEAD MAKER. This is a trade of which there are very few mafters. They make the wooden heads on which barbers drefs their wigs, either for home-con-fumption, or for exportation. The heavy part of the work requires no nicety; but as the front of the block bears fome refemblance to the human face, the mafter or finifher ought to underftand fomething of carving, though if we judge by the manner this is generally executed, we muft think this qualification is totally neglected. However, if a young man, capable of carving a good head in wood, was to apply himfelf to this bufinefs, he might be fure of fuccels; as it is not to be doubted but that the barber would rather have his wigs appear to advantage on what bore fome likenefs to the human form, than on the refem-blance of a monkey or a monfter. As this bufinefs is en-groffed by a few hands, apprentices are feldom taken; but with the above talent, any worker in the fmall-wood way, fuch as a turner, or joiner, &c. might become a fuccelsful mafter.

BLOOD-STONE, or the *lapis hæmatites*, is a mineral of a reddifh colour, hard, ponderous, with long pointed needles. This ftone is brought from variety of places, there not being any iron mines wherein it is not found.

Thefe ftones are to chofen of the higheft colour, with fine ftriæ, or needles, and as much like cinnabar as may be.

They are of fome ufe in medicine, being aftringent, deficcative, and good to ftop bleeding, ufed externally, or given inwardly in fine powder; the dofe is from four grains to a drachm.

Goldfmiths and gilders ufe it to polifh their works, whether upon filver, copper, iron, &c.

There is alfo another kind of *blood-ftone*, called the red crayon, ufed by fuch as defign and draw fketches: it is like that of Spain, with this difference, that it does not appear fo fparkling with needles, but dull and unpolifhed, like earth.

This kind is in England, and there are two different forts of it; the one that is good, is pretty foft and eafy to be cut into crayons; but the other is not worth any thing, being hard and gravelly.

In Bohemia, they extract an excellent iron from the blood-ftone; it is dug up in Germany, Italy, and Spain, but the laft is efteemed the beft.

BLOWING of glafs, is performed by dipping the end of an iron blowing-pipe into the melted glafs, and, by blowing with the mouth, forming the feveral works which are made in the glafs-houfes, and manufactories of looking-glaffes. See GLASS.

BLUBBER, a kind of whale-oil, fo called before it is thoroughly boiled; fpoken of 12 Car. II. cap. 18.

Whale-fins, oil, and blubber of whales, feal-oil, or feal-fkins, or any other produce of feals, or other fifh or creatures, taken in the Greenland feas, or Davis's-Streights, and

and the adjoining seas, in British ships, may be imported duty-free; the master to make oath before the officers of the customs that they were produced from whales, &c. taken in the said seas by the crew of a ship, whereof the master and one-third of the mariners were British subjects. 5 Geo. II. cap. 28. sect. 2. 17 Geo. II. cap. 28. sect. 4. 22 Geo. II. cap. 45. sect. 2. 28 Geo. II. cap. 20. sect. 3. BLUE, one of the original and simple colours of the rays of light.

Dyers blue, is one of their simple or primitive colours, and used in the composition of others. It is made of woad, indigo, and pastel brought from Normandy, and, of the three, the pastel is accounted the best and most necessary; woad, though of less force and effect, yet makes only a spurious colour; yet it may be used with pastel, if well prepared, and not mixed in too great a proportion.

Woad having but little substance can never be used alone, nor is it capable of correcting the indigo, without the assistance of pastel. See ANIL.

Painters BLUE is composed of different ingredients, according to the different kinds of painting. Ultramarine, Flanders-blue, or blue ashes, and smalt are used indifferently in limning and fresco; these they call *natural blues*, excepting the Flanders blue, which is partly natural and partly artificial. In oil and miniature they use indigo prepared, and factitious ultramarine.

BLUE. To give the blue to linen signifies with the whistlers, or bleachers, to dip it into water wherein they have dissolved a little starch with smalt, or Dutch azure. They commonly give two blues to cambricks: the first is the *bleaching-blue*, given by the whistlers; and the other the *stiffening-blue*, given by the merchants. See BLEACHING.

BLUE is also in the bleaching of silks, to give them that bluish cast, which heightens their whiteness and lustre. Silks are blueed by dipping them in a tub of cold water, in which a little soap and indigo have been diluted.

BLUE of Prussia, or Prussian BLUE, is by some reckoned as good as the ultramarine for painting, both in oil and in water-colours.

The composition of this blue was a secret till the celebrated Dr. John Woodward, late professor of physic in Gresham-college, London, published it in the Philosophical Transactions of the Royal Society of London. The following process was communicated to him from Germany, in Latin: take of tartar and nitre crude, each four ounces; pulverize and mix them well together, and, by decrepitation, bring them into a fixed salt, which being powdered very finely hot, add to it four ounces of thoroughly dried ox-blood, reduced to fine powder. Calcine the mixture in a close crucible, of which it may fill two-third parts: then highly pound the matter in a mortar, and throw it hot into two quarts of boiling water. Boil them together for half an hour; afterwards strain off the liquor, wash the black remaining substance with fresh water, and strain as before; continuing to do thus till the water poured off becomes quite insipid. Join the several liquors together, and evaporate them to two quarts.

Dissolve an ounce of English vitriol, first calcined to whiteness, in six ounces of rain-water, and filtre the solution.

Dissolve likewise half a pound of crude allum, in two quarts of boiling water; and add to this the solution of vitriol, taken hot from the fire; pouring to them also the first lixivium whilst thoroughly hot, in a large vessel: a great ebullition and a green colour, will immediately appear. Whilst this ebullition continues, pour the mixture out of one vessel into another, and afterwards let it rest; then strain the liquor through a linen cloth, and let the matter, or pigment, remain in the strainer; from whence put it, with a wooden spatula, into a small new pot; pour upon it two or three ounces of the spirit of salt; and a beautiful blue colour will instantly appear. Let the matter be now well stirred; then suffered to rest for a night; afterwards thoroughly edulcorate it by repeated affusions of rain-water, allowing a proper time for the precipitate to subside, and thus, at length, it will become exquisitely blue. Lastly, let it drain upon a linen strainer, and dry it gently. This makes the paint called the Prussian blue.

N. B. This operation greatly depends on the calcination. The crucible must first be surrounded with coals, at some distance; that it may grow gradually hot, and the matter leisurely flame and glow. Let this degree of heat be continued till the flame and glowing decrease; then raise the fire again, that the matter may glow with an exceeding white heat, and but little flame appear above the crucible. Lixiviums should be very hot, and mixed together with the utmost expedition.

Monsieur Geoffroy the elder has, in the History of the Royal Academy of Sciences at Paris, for the year 1725, discovered a method of making this blue, with good success, by the means of charcoal, to be substituted in the place of ox-blood, and with this profitable circumstance, that it will yield almost twice the quantity of blue, and of a deeper colour. He also makes some variation in the foregoing process, not suffering the calcined mixture of alkali salt and blood, or coals, to cool: he only exposes the scumula to the air, stirring it now and then: nor has he any occasion for the spirits of salt: according to his method, it is enough that the degree of calcination of the alkali salt and coals be very exact.

The method of making the Prussian blue in perfection has been held and purchased as a very valuable secret, both in England, Germany, and elsewhere; but it is now got into several hands. Its process is very extraordinary, and could scarce, perhaps, be derived *a priori* from any reasoning upon the nature of colours. It is allowed an excellent blue pigment, and by some preferred to ultramarine; though its permanency might have been suspected, from the vegetable and animal matters used in its preparation, if the colour did not seem wonderfully fixed by the operation, which may reasonably be ascribed to the allum.

A great variety of colours are prepared by the means of animal matters, and more particularly by the means of urine, which, where it has stood to ferment, or putrify, serves to extract, change, or fix the natural colours of some bodies, and to heighten the colours of others. Thus it is used in the preparation of the ordinary blue called *orchel*: it is also used in the changing or fixing of turnsole, so as to make a most elegant red from the sun-flower: it is likewise a principal ingredient, along with indigo, in making that noble, fixed, and durable blue, for the staining of callico; a colour that first appears green, but by washing with soap, changes, and fixes into a lively blue.

Certain chemical preparations from animal subjects are also employed for extracting, changing, or heightening the colours of various bodies. Thus the alkaline, or volatile, spirit of urine, blood, bones, &c. extracts a fine blue from copper, changes a green solution of copper to a purple, and heightens the red of cochineal. And doubtless the present stock of colours might be considerably enlarged, or improved by a prudent choice of animal menstruums.

By animal menstruums we mean both the natural and artificial kind. The natural are such as blood, serum, gall, urine, saliva, rennet, whey, butter, milk, &c. most of which, being properly employed, will either discharge or produce, colours. Thus recent urine discharges the common ink out of linen; the saliva discharges red ink; butter-milk takes stains and mildews out of linen, &c. blood, we see by our present experiment, affords a rich and beautiful blue; and gall is a natural yellow, which may deserve to be treated as blood in making the Prussian blue.

These natural animal menstruums, or other animal substances, being chemically treated, may afford a great variety, both of simple and compound liquors, or new artificial menstruums, for farther improving the business of colours, dyes, and stains. Thus, as putrified urine affords an alkaline spirit, by distillation, that serves to produce, alter, or destroy, a great number of colours; so, likewise, might the liquors obtained by distillation, from recent, or fermented whey, butter-milk, &c. And, by variously compounding these several substances, or liquors, even by random trials, or chance experiments, discoveries in colours might be made, as in the present experiment of Prussian blue; though we have a much greater dependence upon conducting such experiments in a rational manner,

or in the way of an art, formed upon a competent knowledge of chemical operations, with their productions and effects; which will enable the enquirer to reason by analogy, from one experiment to another, and thus lead, in a sure and guarded manner, to new profitable inventions and discoveries.

BLUE-MAKERS, make *blue* of indigo mixed with cheap materials for the use of the callico-printers and dyers, and for bluing of linen when washed; but have nothing to do with the fine colours used in painting. It is a laborious business, and is imagined to hurt the nerves. Those who keep shop get a good living. They take with an apprentice from ten to twenty pounds; but they give but low wages to a journeyman, who works from six to eight.

BOA-ATI. This is a Malayan word, which signifies a fruit shaped like a heart. It is a dry fruit, produced on a tree to be found no where but in some of the Molucca Islands, and particularly in that of Ternate. It is naturally of a middling size. The natives of these islands call the tree, *foolamoo*.

The fruit is very much esteemed as a medicine in all the eastern parts of the East-Indies; that is, throughout the peninsula beyond the Ganges, as far as China, and in all the Sunda and Molucca Islands, where they drive a great trade therein, on account of its excellent qualities against fevers, pains in the stomach, cholics, &c. and many people look upon it as a remedy for the cure of several other diseases. It is surprizing that the Dutch, who use it often in those islands, have not yet introduced it into Europe. Its virtues, as is pretended, by far excel those of the bean of St. Ignatius, which grows in the same places, and with which the Spaniards of the Philippine Islands have made us acquainted.

The *boa-ati* is a fruit almost round, flattened on both sides, and somewhat thickish in the middle, of the size of a thumb's nail, or something larger, sloped on one side, and a little peaked on the other, which makes it resemble a heart, whence it obtained its Malayan name; for in that language *boa* signifies a fruit, and *ati* a heart. It is of a *feuille morte*, or fillemot colour; and, when carefully observed, though dry, we discern that it is properly a capsule with two cavities, each of which contains a very small seed. Its taste is very bitter, though not at all unpleasant. The dose commonly given is a whole capsule, but in difficult cases they give even three or four. Mr. Rumphius, whose History of the Plants of the Molucca Islands was in the press at Amsterdam in the year 1740, calls this fruit, *rex amarorum*, king of the bitters. The Indians of the Molucca and Sunda Isles make a very great use of bitters in physic: and this begins, of late, to be pretty common also in Europe; but there are some bitters more effectual than others, as appears, from the *quinquina*, or jesuit's bark. If the *boa-ati* came once to be known in Europe, the Dutch East-India company would, no doubt, reap a very great benefit from it in their trade, since they alone are in possession of the countries where it grows, as well as of those where most spices are to be found. There are, in hot countries, a thousand remedies, naturally produced, which are always too late discovered; or often, for want of knowing how to use them, they never come to have the reputation they deserve.

BOARD, a long piece of timber, sawed thin, for building, and several other purposes.

The trees, of which *boards* are chiefly made are the walnut, beech, oak, fir, pear-tree, and poplar.

The trade of *boards*, as well as of other timber, for joiners, carpenters, and coopers, is one of the most considerable that is carried on at Amsterdam. All the *boards* are sold by the hundred, but in most of them there more or less *boards* in a hundred.

The *boards* of Christiana are sold for about fifty-six guilders per 100, 126 being reckoned to the hundred. The *boards* of Posterwyk about sixty-five guilders per 100, 132 being reckoned to the 100. The *boards* from the north for about forty-eight guilders per 100, and also 132 to the 100.

Lastly, the *boards* of Westerwyk are sold for sixty guilders per 100, 124 to the 100.

N. B. All masts, timber, boards, of the growth, production, or manufacture of Muscovy, or Russia, or of any

of that imperial dominion, must be imported only in ships belonging to Great-Britain or Ireland; except such ships as are of the built of the country whereof the said goods are the growth, production, or manufacture; or of such port where the said goods can only be, or most usually are, shipped for transportation; on forfeiture of ship and goods. 12 Car. II. cap. 18. sect. 8.

BOAT, a vessel worked upon rivers and lakes. (In our language that word signifies a large open vessel; but we are obliged to take it here, in a more extensive sense, to signify even covered vessels; and we are authorized so to do by custom, since even the ships which sail with the mail to Holland, Portugal, &c. are called *boats*, namely *packet-boats*.)

In this large sense, therefore, a *boat* is a vessel, either sailing, or worked by men, drawn by horses on rivers or lakes, and carrying merchandizes or provisions, from one place to another.

Boats, wherries, pinnaces, barges, or galleys, rowing, or built to row, with more than four oars, found within the counties of Middlesex, Surrey, Kent, or Essex, or in the river of Thames, or within the limits of the port of London, Sandwich, or Ipswich, forfeited, with their tackle and furniture, or the value and forty pounds.

After condemnation to be burnt, and the tackle, furniture, and apparel, sold to the best advantage. 8 Geo. I. c. 18. s. 3. 11 Geo. I. c. 29. s. 4. 12 Geo. I. c. 28. s. 15. and 2 Geo. II. c. 28. s. 6.

Unless they are found to be of service in customs; and then they may (together with their furniture, &c.) be used by the officers, after the seizer has been paid his share. 12 Geo. I. c. 28. s. 14.

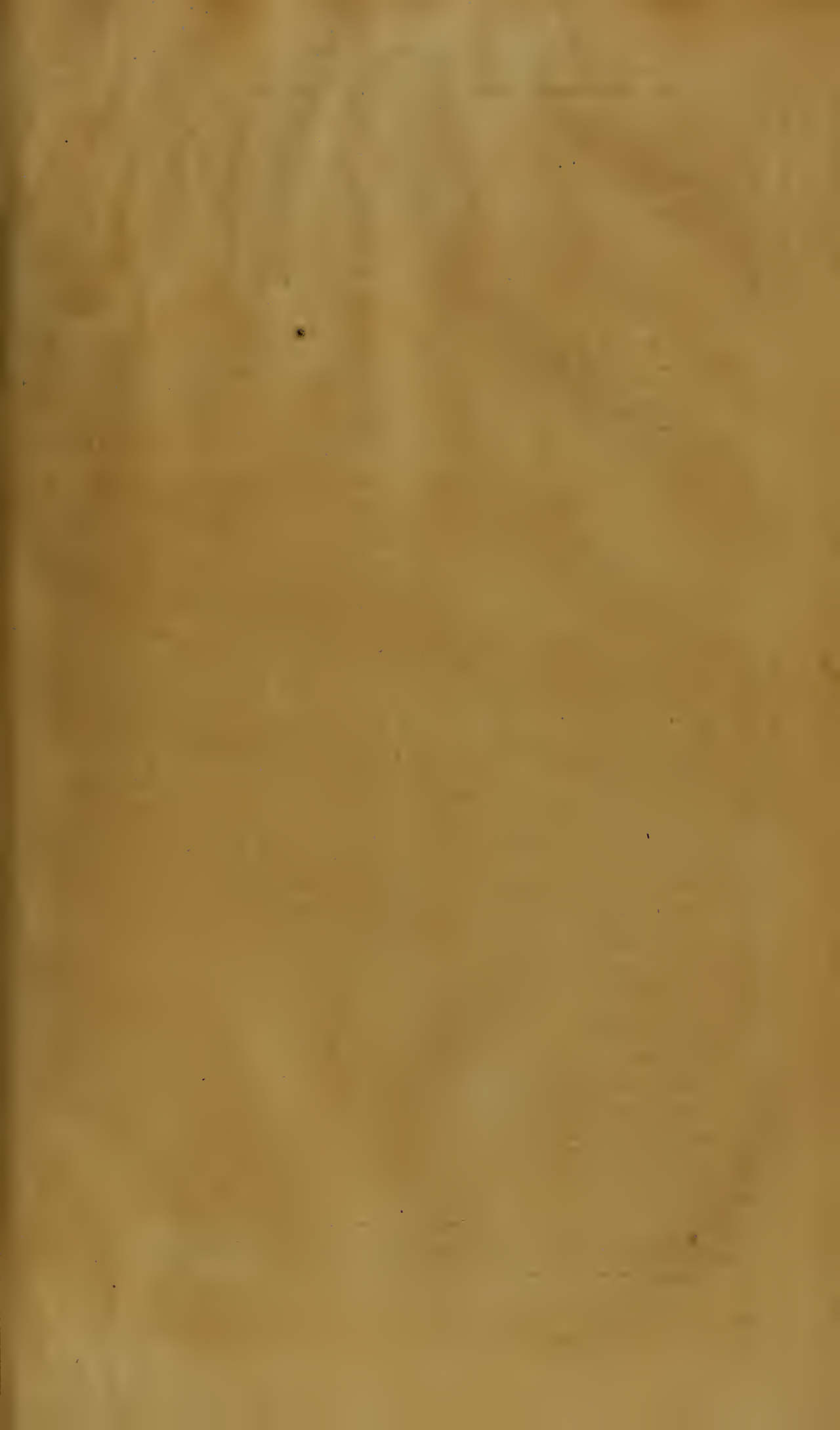
But a proviso for barges or galleys belonging to the royal family, or long-boats, &c. belonging to merchants ships, or such *boats*, &c. as shall be licensed by the admiralty, upon security not to be used in running of goods. 8 Geo. I. c. 18. s. 4. 5. 11 Geo. I. c. 29. s. 4. 2 Geo. II. c. 28. s. 6.

Post-BOATS, are *boats* established on the river Loire, for the conveniency of the public. They are long and narrow, and go very fast. There are some also on the Rhone, which go from Lyons to Avignon in twenty-four hours.

BOATS of Holland. In almost all the seven United-Provinces, there are *boats* which serve for public carriages, which set out from every city at all hours of the day, and carry people very conveniently from one place to another, at a very small expence. They are long, narrow, and covered, and can contain near sixty persons; each *boat* is drawn by one horse, and has but two men to manage it; the one sits at the helm, and the other takes care of the rope; the horse is generally rode by a boy. There are some also which set out at a certain hour in the night. In these *boats*, on the side of the poop or stern, there is a room, which can easily contain six persons, and is separated with boards from the rest of the *boats*; it has glass-windows, whereas the other openings are only shut with oil-cloth in bad weather. These separate rooms are called *reefs* in Dutch, which they pronounce *reof*: so that a person who would go, for instance, from Amsterdam to the Hague, takes a place in that room, or even the whole room, if he pleases; gets into it at eight of the clock at night, where he finds cushions to lie upon; and is sure to arrive the next morning at the Hague. But this must be understood of the *boats* which carry merchandizes; for in those designed for passengers only, in each of which there is also a private room, a man is obliged to change *boats* several times. From Amsterdam to Haarlem, he must change *boats* half way, because the canal there is cut by a dyke. At Haarlem, he must cross the town to get to the *boat* that is to carry him to Leyden. At Leyden, he must again cross the town, to meet the *boat* in which he is to go to the Hague.

All this can be performed in ten hours and a half; for, at eight o'clock precisely, a *boat* sets out from Amsterdam for Haarlem, where it arrives about half an hour after ten: at eleven a *boat* sets out from Haarlem for Leyden, and arrives there at three in the morning: half an hour after three a *boat* sets out from Leyden, and arrives at the Hague half an hour after six.

There





There is so good an order kept, that at the ringing of a bell, the *boat* must set out immediately, without waiting for any passenger. There are few countries where people can travel so conveniently as in Holland.

These regulations seem calculated to answer two ends of no little consideration: (1.) That of the convenience of trade, even in the minutest cases of water-carriages, which makes merchandizes come cheaper to the hands of the consumer; and, (2.) For the speedy, convenient, and certain accommodation of travellers, to induce them either to see the country and spend their money among them, or to facilitate the means of a commercial correspondence for the benefit of the states.

BOAT-BUILDER. This trade is divided into several branches; each workman keeping to his particular kind of *boats*. Those for the use of ships are by far the heaviest work, and require strong lads. The wherries or passage-boats are lighter work; but both laborious, and stand in need of care and exactness. The trade is not over-stocked with masters or journeymen. They work from day-light till dark in winter, and from six to seven in summer. When employed, they are under cover; but as they work at the water-side, they are exposed to many a keen blast. They have from five to twenty pounds with an apprentice; who, when out of his time, may get fifteen shillings a week. It requires several hundreds to set up masters in a tolerable way.

BOAT-SWAIN, an officer on board a ship, who has the charge of the rigging, cables, cordage, anchors, sails, boats, &c. He calls out the several gangs and companies aboard, and sees that they punctually perform their watches, works, &c. He also punishes offenders according to the sentence of the captain, or of a court-martial.

BOCAL, or **BOCCALE**, a liquid measure used at Rome. It is properly what they call in France a *bottle*, which with us is about half a gallon, wine-measure. It holds a little above a Paris pint, or half a gallon; seven *bocals* and a half make a *rubbe*, or *rubbia*; and thirteen *rubbes* and a half make the *brente*, which therefore holds $101\frac{1}{4}$ *bocals*. (Monsieur Savary says 96; but that must be a mistake, since $13\frac{1}{2}$ multiplied by $7\frac{1}{2}$ makes $101\frac{1}{4}$.)

BOCKING, or **BOKKING**. Thus they call, in Holland, what we call red-herring in English, and the French *hareng fumé*, or *foret*, smoked-herring. The new list, or tariff of Holland, distinguishes three sorts of *bocking*, namely, the *bocking* in general, those that are caught thirteen days after Candlemas-day, and those of May, which are also called *mey bocking*. These three sorts of herrings are free in Holland from any duty of importation: as for exportation, the duty differs, the first sort pay at the rate of one guilder and ten stivers per last of ten thousand herrings; the second fifteen stivers for the same last; and the third only three stivers.

They import into Holland great quantities of our English red-herrings, which they esteem much more than their own.

BODICE MAKER. This was once a trade of universal use; but now *bodices* are worn by none but the poorer sort of women and girls in the country. They are made of canvas and whale-bone, or cane, and sometimes of leather; but these last are almost out of use. Women are principally employed in making them; they can get six or seven shillings a week, and require no great qualifications. Their apprentices are generally parish-children, whom they take with little or nothing. As their dealings are mostly in the country, they require a pretty large stock; most of them now deal in ordinary stays, by which means they make a handsome livelihood.

BOHEA, one of the best kinds of tea that comes from China. There are three sorts of it. The first is bought at Canton, for eighty taels per pic; the second for forty-five; and the third for twenty-five. The Dutch sell it again, the first for a hundred and eighty patachs, the next for a hundred and twenty, and the last for seventy-five. See **TEA**.

BOHEMIA. Under the name of *Bohemia* in general are included the kingdom of *Bohemia* Proper, the dutchy of Silesia, and the marquise of Moravia; which lie altogether in the form of a lozenge, between Austria on the south; Brandenburg and Lusatia on the north; the palatinate of Bavaria, with part of Saxony, on the west;

and Poland on the east. The revenues of this country are computed at 1,500,000*l.* one year with another; a sum which might be greatly augmented, were the mines, especially those in *Bohemia* Proper, better looked to; they being esteemed the richest in Europe, both for gold and precious stones. As to the proportion the three grand divisions bear to one another, it will be best known by the extraordinary subsidies the emperor demanded of them for 1733, when *Bohemia* Proper paid 260,000, Silesia 190,000, Moravia 140,000*l.*

The kingdom of *Bohemia*, properly so called, is bounded on the east by Moravia and Silesia; on the west by Misnia and Bavaria; on the north by Lusatia; and, on the south, by Austria. It is almost entirely encompassed with mountains, in which there are mines of gold, silver, copper, tin, iron, lead, sulphur, and nitre. Rubies, emeralds, amethysts, jasper, sapphire, and other precious stones, abound more here than in any other part of the empire. These the Jews send into foreign parts. Gold-sand is likewise discovered in some of its rivers. There are salt pits; but the product not answering the expence, they are supplied with salt from Misnia, and other places. They make great quantities of alum. The soil produces store of saffron. The gardens and orchards yield fruit enough sufficient for consumption and export. They do not much cultivate vineyards, because their wine does not keep long. They have beer both brown and white, which is valued and exported; and their hops are better, and more plentiful, than those of their neighbours. They have meadows and pastures in abundance, with large cattle, and horses fit for war, besides sheep, and geese, whose feathers are carried abroad, there being no feather-beds scarce at any of the inns, but at Prague. The inhabitants of the towns here are not fond of either arms, arts, or trade, but prefer a supine indolent life. The revenue of *Bohemia* to the house of Austria is near a million a year sterling.

The whole trade of the city of Prague is in the hands of the Jews, who deal in all sorts of commodities, especially in the precious stones found in the Bohemian mines, and, by receiving all old-fashioned things in payment, quite ruin the Christian handicrafts-men. There are crystals here, called Bohemian crystals, which have a very good lustre, when polished, and they are set in ear-pendants, rings, and shirt-buttons; but they are chiefly used for lustres and drinking-glasses, which are vended all over Europe.

Kutenburg has no less than thirty mines in its neighbourhood, the chief of which, of the same name, is the richest in the kingdom, being nineteen fathoms deep, containing silver and copper. An hundred weight of some of its ore yields an ounce of silver, and from eight to ten of copper; and the like weight of the other ore yields eight or nine ounces of silver. When they meet with a vein of blue earth, they think it a sign of good ore.

Kaden is a town noted for excellent beer.

Carelshadt is noted for its baths and medicinal waters, and is frequented by abundance of foreigners, particularly the nobility and gentry of Austria, as well as those of *Bohemia*, and merchants from all parts. The town is inhabited chiefly by armourers, and other artificers in iron, who work very neat, and vastly cheap.

Near *Egra* are mines of silver and copper. The river *Eger* here is broad and deep, and bears large vessels. It was formerly noted for making the best mead in Germany. Without the city are large suburbs, with handsome houses, and a great number of tanners, who send their skins all over Hungary and Austria.

The town of *Glatz* has the privilege of coining money in the name of the magistrates; but they seldom coin any above the value of a farthing or a half-penny. Its trade is in silver ore, iron, timber, coals, venison, cattle, butter, and cheese.

BOLE, is said in general of several kinds of earths, which enter into Galenical preparations, or which are used by painters, and some other artists.

Boles are native fossil earths, usually somewhat unctuous; so that, when mixed with water, they may be wrought into a paste, but not soluble either by water or fire. Such are *argill*, or white clay; *axungia terræ*, or *axungia lunæ*, *cinolia*, fuller's earth, *boles* white and Armenian; the Chian, Etrurian, Lemnian, and Maltese earths; ruddle; Samian, Selinusian, Tocavian, and all the sealed earths.

But there are others of a drier and leaner kind, as chalk, ochre, and marle.

Only the Armenian and common *boles* are chiefly employed for medicinal purposes; being accounted astringents and softeners of acrimony, when internally given; and drying and astringent, in outward application. See BAOEAB.

BOLE-ARMONIAC. See ARMENIAN-BOLE.

BOLOGNESE, or the dutchy of *Bologna* in Italy, is bounded on the north by the Ferrarese, on the east by Romagna, on the south by Tuscany, and on the west by the dutchy of Modena.

Bologna, the capital city, is situate at the foot of the Appennine Mountains, on the Little Rhine, or river Reno, and hath a noble plain on the other three sides, which furnish it with all the necessaries of corn, wine, oil, fruits, &c. Here is a large channel cut between the Reno and the Po, which wonderfully facilitates the transportation of all commodities to and from the city: those which are transported are commonly wax, silk, hemp, flax, hams, tobacco, wash-balls, perfumes, sweet-meats, and a curious small breed of lap-dogs, so little, that the ladies carry them about in their muffs and apron-pockets. Besides these, they export great quantities of wrought silk of all sorts, rich velvets, leather bottles, and other manufactures of this city, with olives and other fruits, which are produced in great plenty in the neighbourhood of it. It is well peopled; the citizens are wealthy and industrious, and the noblemen are here in great numbers, who spend their money, and are above concerning themselves with any kind of commerce. It is reckoned to contain about eighty thousand inhabitants. The greatest manufacture carried on here is that of silk, of which there are several wheels for winding.

BOLT, among ship-wrights, an iron pin, used to fasten different parts of a ship together.

BOMB-KETCH, a small ship of war, strengthened, with very large beams, for throwing bombs into towns, &c.

BOMBAY, east longitude 72 deg. 20 min. latitude 18 deg. 30 min. an island on the west coast of the hither peninsula of India, situate one hundred and thirty miles south of Surat, and two hundred miles north of Goa, and forty miles north-west of Dundee Rajapore. The island is seven miles long, and about twenty miles circumference, and has a town upon it a mile in length, and a castle well fortified, and some other small towns. The inhabitants are of several nations, viz. English, Portuguese, and Indians, amounting to about fifty thousand. In the year 1663, the king of Portugal transferred the property and dominion of this island to Charles II. king of England, as part of the portion of the infanta Catherine, princess of Portugal, on her marriage with him; and king Charles made a present of it to the English East-India company, who have been in possession of it ever since. The president of the English factory at Surat is usually governor of the island, and appears like a sovereign prince, attended by his guards, &c. This place is exceedingly well situated for a trade on the continent of India, and is indeed the principal settlement the English have in this part of the world. It was very unhealthy for many years; but governor Bohun, by draining the bogs and swamps, made it as healthy as any of the English settlements on this coast.

BONDS are deeds, or obligatory instruments in writing, whereby one doth bind himself to another, to pay a sum of money, or do some other act; as to make a release, surrender an estate for quiet enjoyment, to stand to an award, save harmless, perform a will, &c. It contains an obligation with a penalty: and a condition, which expressly mentions what money is to be paid, or other thing to be performed, and the limited time for the performance thereof, for which the obligation is peremptorily binding; it may be made on parchment or paper, though it is usually on the latter, and be either in the first or third person; and the condition may be either in the same deed, or in another, and sometimes it is included within, and sometimes indorsed upon, the obligation, though it is commonly at the foot of it.

A memorandum on the back of a *bond* may restrain the same, by way of exception.

A *bond* may be by any words, in a writing sealed and

delivered, wherein a man doth declare himself to have another man's money, or to be indebted to him; but the best form of making it, is that which is most used.

If a *bond* be thus: "Know all men by these presents, that I, A. B. am bound to C. D. in the sum of, &c. for payment of which I give full power to him to levy the same upon the profits of such lands yearly, until it be paid." In this case, the obligee may sue upon the obligation, or levy the money according to the said clause.

Where a *bond* is made, *obligo me*, &c. leaving out the words, *heredes, executores et administratores*, this is good, and the executors and administrators shall be bound thereby. *Dyer* 13.

An obligation made to one, to the use of A. B. will be good for him in equity. *Bro. Obl.* 72.

The condition of a *bond* must be to do a thing lawful; wherefore *bonds*, not to use trades, till, or sow, &c. are unlawful, as they are against the public good, and the liberty of a freeman, and therefore void: and a condition of a *bond* to do any act, *malum in se*, as to kill a person, &c. is void: so also *bonds*, made by durefs, by infants, *feme covert*s, &c. And if a woman through threats, or flattery, be prevailed upon to enter into a *bond*, she may be relieved in chancery. *11 Rep.* 53.

If an infant (that is, a person under twenty-one years of age) seal a *bond*, and be sued thereon, he is not to plead, *non est factum*, but must avoid the *bond* by special pleading; for this *bond* is only voidable, and not in itself void. *5 Rep.* 119.

But if a *bond* be made by a *feme covert*, she may plead her coverture, and conclude *non est factum*, &c. her *bond* being void. *10 Rep.* 119.

If a *bond* depends upon some other deed, and the deed becomes void, the *bond* is also void. A *bond* made with condition not to give evidence against a felon, &c. is void; but the defendant must plead the special matter. *1 Leon.*

Condition of a *bond* to indemnify any person from any legal prosecution, is against law, and void. *1 Lutw.* 667.

And if a sheriff takes a *bond* as a reward for doing of a thing, it is void. *3 Salk.* 75.

Conditions of *bonds* are to be not only lawful, but possible; and when the matter or thing to be done, or not to be done by a condition, is unlawful or impossible, or the condition itself repugnant, insensible, or uncertain, the condition is void, and in some cases the obligation also. *10 Rep.* 120.

But sometimes an obligation may be single to pay the money, where the condition is impossible, repugnant, &c. *2 Mod.* 285.

If a thing be possible at the time of entering into the bond, and afterwards becomes impossible by the act of God, the act of the law, or of the obligee, it is become void; as if a man be bound to appear next term, and dies before, the obligation is saved. A condition of a *bond* was, that A. B. should pay such a sum upon the 25th of December, or appear in Hilary-term after in the court of B. R. he died after the 25th of December, and before Hilary-term, and had paid nothing: in this case, the condition was not broken for non-payment, and the other part is become impossible by the act of God. *1 Mod. Rep.* 265.

And when a condition is doubtful, it is always taken most favourably for the obligor, and against the obligee; but so as a reasonable construction be made as near as can be, according to the intention of the parties. *Dyer* 52.

If no time is limited in a *bond* for payment of money, it is due presently, and payable on demand. *1 Brownl.* 53.

But the judges have sometimes appointed a convenient time for payment, having regard to the distance of place, and the time wherein the thing may be performed; and if a condition be made impossible, in respect to time, as to make payment of money on the 30th of February, &c. it shall be paid presently; and here the obligation stands single. *Jones* 140.

Though if a man be bound in a *bond*, with condition to deliver so much corn upon the 29th day of February next following, and that month hath then but twenty-eight days, it has been held that the obligor is not obliged to perform the condition till there comes a leap-year. *Leon.* 101.

Where one is bound to do an act to the obligee himself, the doing it to a stranger, by appointment of the obligee, will not be a performance of the condition. 2 *Bulst.* 149.

When no place is mentioned for performance of a condition, the obligor is obliged to find out the person of the obligee, if he be in England, and tender the money, otherwise the bond will be forfeited. But when a place is appointed, he need seek no farther. 1 *Inst.* 210. *Litt.* 340.

And if, where no place is limited for payment of money due on a bond, the obligor, at or after the day of payment, meets with the obligee, and tenders him the money, but he goes away to prevent it, the obligor shall be excused. 8 *Edw.* IV.

The obligor, or his servant, &c. may tender the money to save the forfeiture of the bond, and it shall be a good performance of the condition, if made to the obligee, though refused by him; yet if, the obligor be afterwards sued, he must plead that he is still ready to pay it, and tender the money in court. *Co. Lit.* 208.

The condition of a bond being for payment of money, it may be performed by giving any other thing in satisfaction, because the value of money is certain, and therefore may be satisfied by a collateral thing, if the obligee accepts it; but if the condition is to do a collateral thing, there it is otherwise, and paying money is no good satisfaction. 3 *Bulst.* 148.

The acceptance of a new bond will not discharge the old one, as a judgment may. *Hob.* 68.

One bond cannot be given in satisfaction of another, but this is where given by the obligor himself, for it may by others. 1 *Mod.* 221.

If a bond be to pay money on such a time, &c. it is no plea for the obligor to say, that he did pay it; he must shew at what time, or else it may be taken, that the performance was after the time limited. *Noy's Max.* 15.

If a bond be of twenty years standing, and no demand be proved thereon, or good cause of so long forbearance shewn to the court, upon pleading, *solvit ad Diem*, it shall be intended paid. *Mod. Ca.* 22.

Payment of money without acquittance, is an ill plea to action of debt upon a single bill; but it is otherwise upon a bond with condition. *Dyer* 25.

If several days are mentioned for payment of money on a bond, the obligation is not forfeited, nor can be sued until all the days are past: but in some cases, the obligee may prosecute for the money due by the bond presently, though it be not forfeit; and by special wording the condition, the obligee may be able to sue the penalty on the first default. 1 *Inst.* 292.

In a bond where several are bound severally, the obligee is at his election, to sue all the obligors together, or all of them apart, and have several judgments and executions; but he shall have satisfaction but once; for if it be of one only, that shall discharge the rest. If an obligation be joint and not several, all the obligors must be sued that are bound; and if one be prosecuted, he is not obliged to answer, unless the rest are sued likewise. *Dyer* 19. 310.

Where two or more are bound in a joint bond, and only one is sued, he must plead in abatement, that two more sealed the bond, &c. and aver that they are living, and so pray judgment *de billa*, &c. and not demur to the declaration. *Sid.* 420.

If a bond is made to three to pay money to one of them, they must all join in the action, because they are but as one obligee. *Yelv.* 177.

If action be brought upon a bond, against two joint and several obligors jointly, and both are taken by *capias*, here the death or escape of one shall not release the other; but the same kind of execution must be taken forth against them; it is otherwise when they are sued severally, *Hob.* 59.

When the condition of a bond is to do two things, or has diverse points, and the obligee, supposing a breach of one of them, doth sue the obligor; if, issue being joined upon that, it is found against him, and he is barred, the whole obligation is discharged: and so long as that judgment is in force, he can never prosecute upon any point. *Dyer* 371. 2 *Shep. Abr.* 487.

If a drunken man gives his bond, it binds him; and a bond without consideration is obligatory, and no relief shall

be had against it, for it is voluntary, and a gift. *Jenk. Cent.* 169.

A person enters voluntarily into a bond, though there was not any consideration for it, if there be no fraud used in obtaining the same, the bond shall not be relieved against in equity. But a voluntary bond may not be paid in a course of administration, so as to take place of real debts, even by simple contract; yet it shall be paid before legacies. 1 *Chan. Caf.* 157.

An heir is not bound, unless he be named expressly in the bond, though the executors and administrators are. And if an obligation be made to a man, his heirs or successors, the executors and administrators shall have the advantage of it, and not the heir or successor, by reason it is a chattel. *Dyer* 14. 271.

A declaration need not be according to the letter of the bond, where there is any omission, &c. but according to the operation of law upon it. *Mod. Caf.* 228.

In bonds to save harmless, the defendant being prosecuted, is to plead *non indemnificatus*, &c. A bond may be from one to one, one to two, three, or more persons; or from two or more persons to one, two, three, &c. and the name of the obligor subscribed, it is said, is sufficient, though there is a blank for his Christian name in the bond. 2 *Cro.* 126.

But where another Christian name is in the bond, and the bond signed by the right name, though the jury find it to be his deed, the obligee cannot have judgment, for the name subscribed is no part of the obligation. 2 *Cro.* 558. *Mod.* 207.

In these cases, though there be a verdict, there shall not be judgment. Where an obligor's name is omitted to be inserted in the bond, and yet he signs and seals it, the court of Chancery may make good such an accident; and in case a person take away a bond fraudulently, and cancels it, the obligee shall have as much benefit thereby, as if not cancelled. 3 *Chan. Rep.* 99. 184.

If a bond has no date, or a false date, if it be sealed and delivered, it is good. A plaintiff may suggest a date in a bond, where there is none, or it is impossible, &c. where the parties and sum are sufficiently expressed. 5 *Mod.* 282.

A bond dated on the same day on which a release is made of all things, *usque Diem datus*, &c. is not thereby discharged. 2 *Roll. Rep.* 255.

And where a bond is made to another's use, it must be so laid in the obligation, or he cannot release it, &c. *Jenk. Cent.* 222.

A person shall not be charged by a bond, though signed and sealed, without delivery, or words, or other thing amounting to a delivery. 1 *Leon.* 140.

A bond may be good, though it contains false Latin, or false English, if the intent appears, for they do not make the bond void. 2 *Roll. Abr.* 146. *Moor* 864.

By the condition of a bond, the intent of what sum was in the obligation may be more easily known and explained. 2 *Roll.* 146.

And the condition of the bond may be recorded, and then the plaintiff demur, &c. 1 *Lutw.* 422.

Likewise the conditions of bond, may expound to whom an obligor is bound to pay money; as if A binds himself to B to be paid to A, whereas it should be to B, which obligation is good, and the *solvendum* void. 1 *Inst.* 108. 209.

Interlineation in a bond, in a place not material, will not make the bond void; but if it be altered in a part material, it shall be void. 1 *Nelf. Abr.* 391.

And a bond may be void by rasure, &c. as where the date, &c. is razed after delivery, which goes through the whole. 5 *Rep.* 23.

Such words, whereby the intention of the parties may appear, are sufficient to make the condition of a bond good, though they are not proper; and it shall not be construed against the express words. 1 *Saund.* 66.

If the words in a bond, at the end of the condition, *That then this obligation to be void*, are omitted, the condition will be void, but not the obligation: but if the words, *or else shall stand in force*, be left out, it has no effect to hurt either the condition or obligation. The stealing of any bond or bill, &c. for money, being the property of any one, is made felony, as if the offenders had taken other goods of the like value, by 2 *Geo.* II. *cap.* 25.

The form of a bond for payment of money, with an obligation from one to one.

Know all men by these presents, that I, A. B. of the parish of, &c. in the county of, &c. merchant, am held and firmly bound to C. D. of, &c. in the county aforesaid, gentleman, in two hundred pounds, of good and lawful money of Great-Britain, to be paid to the said C. D. or his certain attorney, his executors, administrators, or assigns; to which payment, well and truly to be made, I bind myself, my heirs, executors, and administrators, firmly by these presents, sealed with my seal. Dated the twenty-third day of December, in the fifth year of the reign of our sovereign lord George the Third, by the grace of God, of Great-Britain, France, and Ireland, king, defender of the faith, &c. and in the year of our Lord, one thousand seven hundred and sixty-five.

The condition of this obligation is such, that if the above-bound A. B. his heirs, executors, or administrators, do and shall well and truly pay, or cause to be paid, unto the above-named C. D. his executors, administrators, or assigns, the full sum of one hundred pounds, of lawful money of Great-Britain, with legal interest for the same, on or before the twenty-third day of June next ensuing the date hereof; then this obligation to be void, or otherwise to be and remain in full force and virtue.

Signed, sealed, and delivered
in the presence of

A bond with a condition from two to one.

Know all men by these presents, that we A. B. of, &c. and C. D. of, &c. are held and firmly bound to E. F. of, &c. in three hundred pounds, of good and lawful money of Great-Britain, to be paid to the said E. F. or his certain attorney, his executors, administrators, or assigns; to which payment, well and truly to be made, we bind ourselves, and each of us by himself (if one of the obligors be a woman, write thus; viz. by him and herself) for, and in the whole, our heirs, executors, and administrators, and each of us, firmly by these presents. Sealed with our seals. Dated, &c.

The condition of this obligation is such, that if the above-bound A. B. and C. D. or either of them, their, or either of their heirs, executors, or administrators, do and shall well and truly pay, or cause to be paid, to the said E. F. his executors, administrators, or assigns, the full sum of one hundred and fifty pounds, of lawful money of Great-Britain, with legal interest for the same, on or before the, &c. which shall be in the year of our Lord, &c. then, &c. otherwise, &c.

And the conditions are the same from three or more to one, or when the obligors, as well as the obligees, are in the plural; as they are *vice versa*, when the obligors and obligees vary in the reverse to the aforementioned.

BONE-LACE, foreign, band-strings, cut-work, embroidery, fringe, needle-work made of thread, or silk, and buttons of all sorts imported, forfeited; the importer liable to a hundred pounds, and the seller to fifty pounds. 1 Ric. III. c. 10. f. 1. 3 Edw. IV. c. 3. f. 1. 19 Hen. VII. c. 11. f. 1. 5 Eliz. c. 7. f. 1. 13 and 14 Car. II. c. 13. f. 2. 4 and 5 Will. and Mar. c. 10. f. 2. 9 and 10 Will. III. c. 9. f. 1. 11 and 12 Will. III. c. 11. f. 1.

Except thread *bone-lace*, not made in the dominions of the French king, or the duke of Anjou. 5 Ann. c. 17. f. 1, 2.

Upon complaint, justices of the peace to grant warrants to constables to search houses, and to seize such goods. 13 and 14 Car. II. c. 13 f. 3. 4 and 5 Will. and Mar. c. 10 f. 3.

Actions must be commenced within a year after the discovery of offences. 13 and 14 Car. II. c. 13. f. 4.

BONNETS, in a ship, are small sails, fastened or laced to the bottom of the main-sail and fore-sail, in light winds, to make them larger.

BONONIAN-STONE, a small, grey, soft, glossy, fibrous, sulphureous stone, about the bigness of a large walnut, found in the neighbourhood of Bologna, or Bononia,

in Italy; and, when duly prepared, makes a species of phosphorus.

This stone is found in divers parts of that country; particularly in a river at the foot of Mount Palermo, where one Vincenzo Cacciarlo, a chemist, having gathered some pieces, carried them home, in hopes of extracting silver out of them; but, instead of what he expected, found that admirable phænomenon they exhibit, which consist in this, that having been exposed to the light, they retain it, and shine, for the space of six or eight hours, in the dark.

We are informed in the Philosophical Transactions, that the true method of preparing this stone is lost; but in the eulogy of Mr. Homberg, in the Mem. de l'Acad. 1715, it is said that that great chemist had recovered it.

BONTANS, a kind of stuff or covering, the ground being cotton interwoven in stripes with red worsted, fabricated at Cantor on the river Gambia, and forming an article of commerce, being bought up by the Europeans who trade with them, by exchanging them for other commodities with the inhabitants of the other coasts of Africa.

BOOK, a writing or treatise on some branch of literature, composed for the instruction or amusement of the reader.

The uses of *books* are numerous; they make one of the chief instruments, or means of acquiring knowledge; they are repositories of the laws, and the vehicles of learning of every kind; our religion itself is founded on *books*; without them, says Bartholin, God is silent, justice dormant, physic at a stand, philosophy lame, letters dumb, and all things involved in Cimmerian darkness. The eulogia which have been bestowed on *books* are infinite; they are represented as the refuge of truth, which is banished out of conversation; as standing counsellors and preachers, always at hand, and always disinterested, having this advantage over all instructions, that they are ready to repeat their lesson, as often as we please.

Books supply the want of masters, and even, in some measure, the want of genius and invention; and can raise the dullest persons, who have memory, above the level of the greatest without it. Perhaps their greatest glory is the affection borne them by the greatest men of all ages. M. Cato, the elder Pliny, the emperor Julian, and others, are on record for their extensive devotions to *books*: the last has perpetuated his passion by some Greek epigrams in their praise. Richard Burg, bishop of Durham, and lord chancellor of England, has an express treatise on the love of *books*.

The ill effects objected to *books* are, that they employ too much of our time and attention; engage us in pursuits of no use to the common-wealth, and indispose us for the functions of civil life; that they render many lazy, and prevent their exerting their own talents, by furnishing them on every occasion with things of the growth of others; and that our natural lights become weakened and extinguished, by inuring ourselves to see only with foreign lights: besides, that all men are thereby furnished with means of imposing on the people, and propagating superstition, immorality, enthusiasm, or irreligion, which will always spread faster, and be received more greedily, than lessons of truth and virtue.

By stat. 25 Hen. VIII. c. 15. §. 1. No person inhabiting within this realm, shall buy to sell again any printed *books*, brought from any part out of the king's obedience, ready bound in boards, leather, or parchment, upon pain to forfeit for every *book* bound out of the king's obedience, and brought within the same to sell again, six shillings and eight-pence.

Stat. 3. No persons inhabitant within this realm, shall buy within this realm, of any stranger, any printed *books*, brought from beyond the sea, except only by the grofs, and not by retail, upon pain of forfeiture of six shillings and eight-pence for every *book* so bought; the said forfeitures to be levied of the buyers; the one half to the king, and the other moiety to the party who will seize or sue for the same.

Stat. 4. If any of the said printers, or sellers of printed *books*, inhabited within this realm, at any time hereafter encrease the prices of such *books* in sale or binding, in such wise as complaint be made thereof unto the king or the lord chancellor, lord treasurer, or any of the chief justices; then the lord chancellor, &c. or any two of them, shall have power to enquire thereof, as well by the oaths of twelve

twelve persons, as by examination, at their discretions. And after the encreasing of the said prices of the said *books*; and binding shall be found, the lord chancellor, &c. shall have power to redress such enhancing of the prices, by their discretions, and to limit the prices as well of the *books* as for the binding: and the offenders, being convicted by examination, or otherwise, shall forfeit for every *book*, by them sold, whereof the price shall be enhanced for the *book* or binding, three shillings and four-pence, the one half to the king, and the other half to the parties grieved.

Stat. 3 and 4 Edw. VI. c. 10. f. 1. All *books* called antiphoners, &c. or other *books* or writings, heretofore used for service of the church, written or printed in English or Latin, other than such as shall be set forth by the king, shall be abolished, and forbidden to be used or kept in the king's dominions.

Stat. 6. Provided, that any person may use and retain any primers in English or Latin, set forth by king Henry the Eighth, so that the sentences of invocation, or prayer to saints, be blotted or put out of the same.

Repealed by 1 *Mar. c. 2.* but see 1 *Fac. I. c. 25.* which repeats 1 *Mar. c. 2.*

Stat. 17 Car. II. c. 4. f. 2. Every printer within the city of London, or any other place, except the two universities, shall reserve three copies of the best paper of every *book* new-printed, or reprinted by him with additions; and shall before any public vending of the said *book*, bring them to the master of the company of stationers, and deliver them to him, one whereof, shall by the said master, within ten days after he hath received the same, be delivered to the keeper of his majesty's library, and the other two, within the said ten days, sent to the vice-chancellor of the two universities, for the use of the public libraries.

Stat. 3. The printers in the universities shall deliver one such copy of every *book* printed, or re-printed in the universities, to the keeper of his majesty's library; as also to the vice-chancellor of either of the said universities, two other such copies for the use of the public libraries. And if any of the printers, or the master of the company of stationers, shall not observe the directions of this act, they shall severally forfeit five pounds for every copy not so delivered, as also the value of the said copies: the same to be recovered by his majesty, and the chancellor, masters and scholars of either of the universities respectively, in any of his majesty's courts of record at Westminster. Quære. If not expired.

Stat. 8 Ann. c. 19. f. 1. The author of any *book* not yet printed, and his assigns, shall have the sole liberty of printing it for fourteen years, to commence from the day of publishing thereof: and if any person, within the said time, shall print, reprint, or import any such *book*, without the consent of the proprietors, in writing, signed in the presence of two credible witnesses, or shall knowingly publish it without such consent, the offender shall forfeit the *books* and sheets to the proprietor, who shall forthwith, damask, and make them waste-paper, and shall forfeit one penny for every sheet found in his custody, either printed, or printing; one moiety to the crown, the other to him who will sue in any court at Westminster.

Stat. 2. No bookseller, printer, or other person, shall be liable to these forfeitures, by printing or re-printing any *book* without consent, unless the title to the copy of the *book* shall, before such publication, be entered in the register-book of the company of stationers, as usual, at the hall of the said company; and unless the consent of the proprietor be entered, paying six-pence for each entry; which register-book may at all seasonable times be inspected without fee; and the clerk of the company of stationers, when required, shall give a certificate of such entry; for which certificate he shall have six-pence.

Stat. 3. If the clerk shall neglect to make such entry, or to give such certificate, being required by the proprietor of the copy, in the presence of two witnesses, then notice being given of such refusal, by an advertisement in the Gazette, the person shall have the same benefit as if an entry were actually made; and the clerk for refusing, shall forfeit to the proprietor twenty pounds, to be recovered in the courts of Westminster.

Stat. 4. If any bookseller shall set an unreasonable price on any *book*, any person may complain to the archbishop of

Canterbury, the lord chancellor, the bishop of London, the chief justices, chief baron, the vice-chancellor of the two universities in England, the lord president of the sessions, the lord justice general, the lord chief baron of the exchequer, the rector of the college of Edinburgh in Scotland; who, or any of them, may call the bookseller before them, and enquire into the cause of the dearth; and, upon examination, may redress and settle the price; and in case of alteration of the price which the bookseller set, to ordain him to pay the costs of the person complaining. And this shall be done in writing under their hands and seals; and public notice shall be given by the bookseller by an advertisement in the Gazette. And if any bookseller shall, after such price set, expose to sale, or sell any *book* at a higher rate, shall forfeit five pounds for every *book*, one moiety to the crown, the other to him who shall sue in any court in Westminster. This *stat.* is repealed by 12 *Geo. II. c. 36. f. 3.*

Stat. 5. Nine copies of each *book*, on the best paper, shall be delivered to the warehouse-keeper of the company of stationers at their hall, before publication, for the use of the royal library, the libraries of the universities of Oxford and Cambridge, the libraries of the four universities in Scotland, of Sion-college in London, and the library of the advocates at Edinburgh; which said warehouse-keeper is to deliver the said *books* within ten days after demand; and if any proprietor, bookseller, or printer, or the said warehouse-keeper, shall not observe the direction of this act therein, they shall forfeit the value of the *books*, and five pounds for every copy not delivered; the same to be recovered by the crown, by the chancellor, master and scholars of the universities, and by the president and fellows of Sion-college, &c.

Stat. 6. The penalties in Scotland shall be recovered by an action before the court of sessions there.

Stat. 7. The importation or selling of Greek or Latin *books*, or in any foreign language printed beyond-sea, shall not be hindered.

Stat. 8. If any action shall be brought for any thing done in pursuance of this act, the defendant may plead the general issue.

Stat. 9. The right of the universities, or of any other person to the printing or re-printing any *book* already printed, shall not be prejudiced or confined.

Stat. 10. All actions for any offence against this act, shall be brought within three months after the offence done.

Stat. 11. After the end of fourteen years, the sole right of printing, or disposing of copies, shall return to the authors, if then living, for other fourteen years.

By *Stat. 7 Ann. c. 14. f. 10.* If any *book* shall be taken, or otherwise lost out of any parochial library, any justice may grant his warrant to search for it; and if it shall be found, it shall by order of such justice be restored to the library.

Stat. 12 Geo. II. c. 36. f. 1. It shall not be lawful for any person to import into this kingdom for sale, any *books* first composed and printed and published in this kingdom, and re-printed in any other country; and if any import for sale, any such *books*, or knowing the same to be re-printed or imported, sell, publish, or expose to sale any such *books*, he shall forfeit the said *books*; and the same shall be forthwith damasked, and made waste-paper: and every such offender shall forfeit five pounds, and double the value of every *book*, one moiety to the king, and the other moiety to any person that shall sue; to be recovered with costs in any court of record at Westminster, by action of debt, &c. in which no wager of law, &c. shall be allowed; and if the offence be committed in Scotland, to be recovered before the court of session there, by summary action. Provided, that this act shall not extend to any *book* that has not been printed or re-printed in this kingdom within twenty years before the same be imported.

Stat. 2. Nothing in this act shall extend to prevent the importation of any *book* first composed and printed in this kingdom, which shall be re-printed abroad, and inserted among other *books* or tracts, and so to be sold therewith, in any collection where the greatest part of such collection shall have been first composed and printed abroad. *Stat. 3.* repeals 8 *Ann. c. 19. f. 4.*

Sec. 4. This act (except so much as repeals 8 *Ann. c. 19. f. 4.*) shall be in force from the 29th of September, 1739, for seven years, and to the end of the then next session of parliament.

Continued by 33 *Geo. II. c. 16. f. 5.* to Sept. 29, 1767, and to the end of the next session.

BOOK-BINDER, is he who professes and practises the art of gathering and sewing together the sheets of a book, and covering it with a back.

The art of binding of books, when first the several sheets of writings of authors were collected together, was not attended with great difficulties; for the leaves were only glued together, and rolled on round pieces, or cylinders of wood; which manner of *book-binding*, whose invention is attributed to the Egyptians, was continued till long after the age of Augustus, and is still retained by the Jewish synagogues, where they continue to write the books of the law on vellums, sewed together, making, as it were, only one long page, with two rollers, having clasps of gold or silver at their extremities, the whole book being wrapped up in a piece of silk, which serves as a cover to it.

But as this manner of binding books is attended with many inconveniencies, one of the Attali, kings of Pergamus, invented the form now in use, of square binding, or of sewing several quires one over another, as more commodious to the reader, who can open and shut his book in an instant, without the least difficulty, and without the leaves being exposed to wear out so soon as when rolled up, especially of books written or printed on paper; which is performed in the following manner:

The leaves are first folded with a thin piece of ivory, called a folding-stick, and laid over each other in the order of the signatures, then beaten on a stone with a hammer, to make them smooth and open well, and afterwards pressed. While in the press, they are sewed upon bands, which are pieces of cord or packthread, six bands to a folio book, five to a quarto, octavo, &c. which is done by drawing a thread through the middle of each sheet, and giving it a turn round each band, beginning with the first, and proceeding to the last. The French *book-binders* apply a sheet of parchment the length of the book, on the inside of each paste-board, so, however, as, that, being cut or indented in the places against the bands, it comes out between the edge of the paste-board, and the leaves of the book, to cover the back; they call this indorsing, and they are obliged to do it, on the penalty of thirty livres, and the re-binding of the book. It is done in the press, where the back being grated with an iron instrument, with teeth to make the paste-board hold, wherewith the parchment is first fastened, they afterwards add strong glue to fortify it. After this the books are glued, and the bands opened and scraped for the better fixing the paste-boards; the back is turned with a hammer, and the book fixed in a press between two boards, called backing-boards, in order for making a groove for fixing the paste-boards; which being applied, holes are made for fixing them to the book, which is pressed a third time. Then the book is put at last to the cutting-press, betwixt two boards, the one lying even with the press, for the knife to run upon; the other above it, for the knife to cut against; after which the paste-boards are squared with a pair of sheers.

The next operation is the sprinkling the leaves of the book, which is done by dipping a brush made of hogs bristles into vermilion and sappreen, holding the brush in one hand, and spreading the hair with the other; by which motion the edges of the leaves are sprinkled in a regular manner, without any spots being bigger than the others, at least so far as to be disagreeable to the eye.

Then remain the covers, which are commonly either in vellum, calf, or sheep-skin. Anciently books were always bound in parchment, and most of our valuable books, even since the invention of printing, have no other binding; but this practice has been long disused. The best binding at present is in calf.

The calf or sheep-skin, being moistened in water, is cut out to the size of the book with the knife, then smeared over with paste made of wheat flour, and afterwards stretched over the paste-board on the outside; and doubled over the edges within-side, after having first taken off the

four angles, and indented and plated it at the head-band; which done, the book is corded or bound firmly between two bands, with a kind of whip-cord to make the cover stick the stronger to the paste-boards and the back, as also to form the bands or nerves more accurately; then it is set to dry, and, when dry, uncorded, and the leaves at each end opened. Afterwards, the book is washed over with a little paste and water, and then sprinkled fine with a brush, by striking it either against the hand, or a stick, unless it should be marbled; for then the spots are to be made larger, by mixing the ink with vitriol. Then the cover is glazed twice, with the white of an egg beaten (as painters do their pictures, when they are finished) and at last polished with a polishing-iron passed hot over the glazed cover.

Thus the binding of a book, properly so called, is finished, unless it should be lettered; for then a piece of red Morocco is pasted on the back, between the first and second bands, to receive the title in gold letters, and sometimes a second betwixt the next bands underneath, to receive the number of the volume. In France, they seldom bind any book without both, if the work consists of several volumes; which done, the *book-binder* sends his books to the gilder, which, in that kingdom, is a profession apart, or separate from *book-binding*.

The gilder makes the letters on the back, and the roses, stars, &c. between the bands with puncheons engraven in *relievo*, which they press flat down, and the lines, embroideries, &c. with little cylinders of brass; rolled along by an iron roller, by means of a double branch; in the middle whereof they are fitted on an iron stay, or axis, that passes the middle of their diameter. Before they apply any of these tools, they glaze those parts of the leather whereon they are to be applied, lightly over with a pencil, or sponge, and, when half dry, lay over them pieces of leaf-gold cut out near the size; and on these stamp the puncheons, which are beat down with a mallet or hammer, if the figures be large, and require a great *relievo*, as arms, &c. or roll the cylinders, both the one and the other reasonably hot. The gilding thus finished, they rub off the superfluous gold with a hare's foot, leaving nothing covered with gold, but the places whereon the hot tools have left their impressions.

Of the *book-binders* business there are several sorts, as the calves-leather binder, the vellum, and the sheep's-leather binder.

The boy intended to be a calves-leather binder, ought to be both strong and pretty ingenious, in order to become perfect master of the several branches of the art of binding books in calf: but no extraordinary education is necessary; reading, writing, and a little arithmetic being sufficient. This trade requires strength to beat the sheets smooth with a heavy hammer, and ingenuity in gilding and neatly lettering the back, as well as in beautifully marbling the edges of the leaves; but this last is a part of the art known to few of the trade; and these make an extraordinary advantage of it.

The vellum-binder is chiefly employed in binding shop-books in vellum or parchment; he also rules paper for the account-books. His is the most profitable branch of binding, both for the master and journeyman.

The binder in sheep is chiefly employed in binding of school-books, and little books in gilt-paper for children, and requires no genius.

The calves-leather-binder may set up master with about fifty pounds, and his journeymen have seldom more than twelve shillings a week, except they are very curious and uncommon hands, and are employed by a master distinguished by the neatness of his work. The vellum-binder may become master with even less money; or get fifteen or eighteen shillings a week by working as a journeyman. The sheep-binder may begin trade for himself with about thirty pounds; but the journeymen can seldom earn more than ten shillings a week. All these branches take about ten pounds with an apprentice.

BOOK-SELLER may be divided into the following classes: 1. The wholesale dealer, who subsists by his country trade, and by serving some of our plantations. 2. Those who deal wholly, or principally in bibles, common-prayers, almanacks, &c. who are also wholesale dealers. 3. The retail dealers, who generally deal in new books.

books. 4. Those who deal chiefly in foreign books. 5. And those who sell old books.

It is necessary that the youth who is put apprentice to any of these branches, should write a good hand, and be very expert in the practice of the common rules of arithmetic. But this is not all: a young man, who will have a fortune of only one or two hundred pounds, should not be put apprentice to a person in either of the two first classes, who are wholesale dealers; of whom he will learn nothing but the manner of packing up parcels, and the titles of those books for which there is the greatest demand in the country: as this is all he will learn in his apprenticeship, he will be almost unfit to set up as a retail trader, as if he had been entirely unacquainted with *book-selling*; and not having a fortune to set up as a wholesale dealer, must be contented to be a journeyman.

The third class is that in which a sensible young man of one or two hundred pounds fortune, has the fairest chance for improving it.

Those who are to be put apprentice to a dealer in foreign books, which are exported from abroad, ought to speak French with great fluency, and to write it with ease. He who would be put apprentice to one who deals chiefly in old books, and for that purpose buys valuable libraries, ought to speak both French and Latin with great ease before he is put apprentice: this will be of considerable service to him; as he will be enabled not only to converse with such foreigners as may happen to be customers; but will the more readily become acquainted with the valuable works of the ancients, and will facilitate his knowledge of the most admired editions of the classics.

The *book-sellers* are indeed the nearest allied to the learned professions of any of the trades that depend on buying and selling; their education and sentiments ought then to be proportionably more liberal than those of other trades; and this is really the case with respect to all who deserve the name of *book-sellers*. But this trade is much overstocked, by the numbers who have thrust themselves into it, without any of those qualifications that are essential to a *book-seller*, a gentleman, or an honest man: some of whom are so far from having a taste for literature, that they can scarce read an English title.

Book-sellers of reputation take with an apprentice from twenty to forty pounds, and pay their journeymen about twenty pounds a year, with their board.

BOOK-KEEPING is an art teaching how to record and dispose the accounts of business so as the true state of every part, and of the whole, may be easily and distinctly known.

Book-keeping is called an art, and that very justly; since, like other arts, it has its object about which it treats, aims at a certain end, and proposes a method for attaining the said end.

The object of things of which *book-keeping* treats, are the affairs, transactions, or dealings, which a man of business has occasion to record and commit to writing, either for the sake of his own memory, or in order to give a satisfactory account of his conduct and management to persons concerned.

The end aimed at in *book-keeping* is to represent distinctly the true state of our affairs; that is, to record a man's dealings and transactions; and withal to range and dispose the accounts in such order, that the books may exhibit a plain, full, and exact account of the condition and circumstance of each part of his business; and so enable the person at all times to satisfy both himself and others, with respect to the state and posture of his affairs. Thus, if he be a merchant that deals in proper trade, he ought to know, by inspecting his books to whom he owes, and who owes him; what goods he has purchased, what goods he has disposed of, with the gain or loss upon the sale, and what he has yet in hand; what goods or money he has in the hands of factors, what ready money he has by him; what his stock was at first; what alteration it suffered since, and what it now amounts to. If the man be a factor, the things proper for him to know from his books are, what commissions he has received, how he has disposed of them, what returns he has made, and what of his employers' books or money are yet in his hands, or in the hands of debtors. If he be a trustee, the things his books should present him with are, what goods or money he has received the charge of from the company, how he has dis-

posed of them, what of the company's effects are in his hands, or in the hands of factors, &c. an easy, ready, and distinct answer to those and the like demands is the end, use, and design of *book-keeping*.

To a person contriving and projecting in his mind by what means he might compass and attain the end proposed in *book-keeping*, that which probably would first offer to his thoughts would be, to keep an exact record of all transactions, in order of time as they happen; which indeed is a necessary step, and a thing that must be done by every accountant: and such a record is called the waste-book, which doubtless was the first book in use among merchants; and probably the method of keeping accounts was carried to no greater perfection for some considerable time. And indeed it is not impossible for a man by the help of such a record as this to know the true state of his business. But then the toil and trouble that would attend such a practice is intolerable: as for instance, suppose a merchant buys a certain quantity of goods, which he sells off at ten or twelve different times; it is plain, that before the merchant can know whether all the goods are sold, and how much he is gainer or loser by them, he must search his book, not only for the purchase, but likewise in ten or twelve different places for the several sales; and then at length by collecting the sales, and comparing them with the purchase, he comes to know what he wanted; and, by pursuing the same method, the merchant may know the state of any other part of his business. But then the vast expense of time and pains required in this search, with the hazard of mistakes and escapes that inevitably attends such a scrutiny, sufficiently demonstrates that the waste-book wants much of desirable perfection; and that some more expeditious method would be very useful.

Though from the instance adduced, and what has been observed upon it, the deficiency of the waste-book appears to be such as an accountant would not mis to be very early sensible of; yet the Italians were the first who successfully applied the remedy: and hence this method gets the name of Italian *book-keeping*; which, in a short time, after its happy invention, was carried on by lucky improvements to great perfection, and is now practised in most parts of Europe.

The way these ingenious authors went to work, was, not by neglecting the use of the waste-book, which is a book still necessary; but, continuing to use it as formerly, they took the materials or things contained in it, and, by digesting them into another form, they compiled and made up a new book out of them, in which the various transactions and dealings are disposed not according to the scattered order of their dates, as in the waste-book, but so that the particular branches and articles of every account are placed together; and that the state of each particular account may easily and distinctly appear, their opposite parts are separately placed, so as to front one another on opposite pages of the same folio, under the title of debtor on the left-hand page, and creditor on the right. Thus, the purchase of goods is set upon the left-hand page, and the several sales of the same placed upon the right. In like manner the several articles of money received go to the left-hand page, and the several disbursements are set fronting them upon the right. Again the debts that any person contracts, are written upon the left, and the payments he makes, are inserted on the right.

This book they call the *ledger*, which differs from the waste-book only in form, not in matter. The ledger is the waste-book taken to pieces, and put together in another order: the transactions contained in both these are the same, but recorded in a different manner. The waste-book narrates things in a plain, simple, natural way, according to the order of time in which they were transacted; the ledger contains the very same things, but artificially disposed, so as things of the same kind are classed together, and all the particular items and articles belonging to the same subject are collected and united. In short, the waste-book may be compared to the pack-sheet in a fair, wherein goods are put up as they come to hand; and the ledger to the shelves and boxes in a shop, where the same goods are sorted and put in order for sale. Hence it is evident, that the great business in this art is to teach the easiest and best methods of digesting the waste-book into the ledger-form, and reducing things from the confused and scattered

scattered order of the former to the regularity and distinctness of the latter.

And, in regard transporting immediately from the waste-book to the ledger is attended with great hazard of mistakes, as being a complex task, that requires a good degree of attention to consider what is debtor and creditor in every transaction, that is, what should go to the right and what to the left-hand page in the ledger; and at the same time employs both head and hand in making the entry itself: merchants therefore, to render the matter easy, and to prevent, as much as possible, errors creeping into the ledger, and also upon some other considerations, have found it convenient to keep a third book, wherein every case of the waste-book is again briefly narrated, and the proper debtors and creditors ascertained; which being done, they are with great ease transported from it to the ledger. This book is called the *journal*.—As the method of keeping accounts in a mercantile manner is usually taught at schools, and is besides a qualification which the trader or merchant is supposed to be well versed in before he engages in business, we shall therefore omit any further consideration, as here unnecessary, of this matter.

Book of rates, a small book declaring the value of goods that pay poundage. *Statute 12 Car. II. cap. 4. sect. 6.* For the additional *book of rates*, see *statute 11 Geo. I. cap. 7. sect. 4.*

BORAX, or *tincal*, is brought to us from the East-Indies in great masses, composed partly of large crystals, but chiefly of smaller ones, partly white, and partly green, joined as it were together by a greasy yellow substance, intermingled with sand, small stones, and other impurities. The purer crystals exposed to the fire, melt into a glassy kind of substance (of somewhat more than half their former weight) which is nevertheless soluble in water. Pure *borax* distilled, yields near half its quantity of an insipid liquor. Mixed with either the vitriolic, marine, or nitrous acid, it sublimes into elegant flowers, of which it affords greater quantity with the first acid than with the latter. These flowers, according to Mr. Geoffroy, are almost insipid to the taste; nevertheless, says he, they calm the heat of the blood in burning-fevers, prevent or remove delirious symptoms, and allay spasmodic affections, whether hypochondriacal or hysterical, at least for a time; in a word, this salt is an excellent anodyne: the dose is from one to ten grains in any proper liquor.

Borax precipitates solutions made by acids, and turns syrup of violets green. Dissolved in water (of which it requires ten times its weight) filtered, evaporated, and crystallized, it forms little transparent colourless crystals; the refiners of this salt have a method of shooting it into larger crystals; these differ in several respects from the rough *tincal*, and are not so proper for many purposes, as the larger and purer crystals unrefined.

The rough or native *borax*, called by the Arabians *tincar* or *tincal*, which signifies a kind of nitre used for the soldering gold, should be chosen in firm and solid pieces of a greenish colour, fatty to the touch, and of the most rank smell.

Borax promotes, in a very remarkable manner, the melting of those metals which are not easily put in fusion, as gold, silver, copper, iron, and regulus of antimony, and yet it diminishes them very little. It is therefore of great use in metallurgic operations. It is also used as a cosmetic. But the great consumption of it is for soldering, the workers in all kinds of metals having recourse to it on this occasion: and the dyers, if it were not too dear, would consume a great quantity of it, to give a gloss to and fix their colours.

BORDAT, or **BORBETTI**, a very narrow kind of stuff, manufactured in several parts of Turkey.

BORNEO. This island being almost round, and near two hundred leagues diameter, it must consequently have a circumference of about six hundred. It has the Isle of Celebes to the east, Java to the south, Sumatra to the west, and the Philippines to the north. Only a part of the coasts, (especially those of the kingdom of Borneo) are known, the barbarity and infidelity of the islanders having disgusted the Europeans so as to hinder their establishing among them, or indeed to continue their trade.

The Dutch first arrived here in 1609, and settled some

factories at Borneo, Sambas, and Succadana; but besides their not being able to obtain an exclusion of all other nations from trading here, as they for a long time solicited, they so often proved the ferocity of these savages, who daily sought fresh pretences to plunder their warehouses, and kill their factors, that at last they were forced to abandon the isle, and leave its merchants to bring their goods to Batavia, if they had a mind to maintain their commerce; which principally consists in diamonds, gold, pearls, bezoar, aloes, wood of different sorts, wax, pepper, camphire, dragon's-blood, and rattans. The gold is found at Pahang, Sey, Calantan, Scribas, Catra, and Melanougua, and is more abundant than is commonly imagined; but the sloth and knavery of the inhabitants make them live in extreme poverty, amidst immense riches, which their valuable mines, and fertile soil, would abundantly produce them at the expence of a very little labour; as their lands would yield any of the Indian fruits, and spices in particular would flourish here to a miracle, as experience demonstrates in its present growth of clove and nutmeg-trees, found here with every requisite quality.

Sambas and Succadana are the places for the purchase of diamonds, of which the mine is further within land, and may produce about six hundred carats yearly; here are also some iron, copper, and pewter, and whatever else Sumatra yields may be found here; whose imports also are similar to those of that island.

BOROUGH, or **BURG**, a term frequently used to signify a town or corporation which is no city.

Borough, is now particularly used for such towns or villages as send burgesses to parliament; they are equally such, whether they are incorporate or not; there being a great many of our English boroughs not incorporated: and on the contrary, several corporations which are not boroughs. The number of boroughs in England is one hundred and forty-nine; some whereof send one, and some two representatives to parliament.

BOROUGH-ENGLISH, is a custom which prevails in certain ancient boroughs, by virtue of which the youngest son shall inherit his father, as to the lands of which he is seized in fee or tail. The reason of this custom seems to be, that in these boroughs people chiefly maintain and support themselves by trade and industry; and the elder children being provided for out of their father's goods, and introduced into his trade, in his life-time, were able to subsist of themselves without any land-provision, and therefore the lands descend to the youngest son, he being in most danger of being left destitute. *Lit. sect. 165. Nov 106.*

It is called *borough-English*, because, as some hold, it first prevailed in England.

ROYAL-BOROUGHs, in Scotland, are corporations made for the advantage of trade, by charters granted by several kings; having commissioners to represent them in parliament, besides other peculiar privileges. These form a body to themselves, and send commissioners each to an annual convention at Edinburgh to consult the benefit of trade, and the general interest of the borough.

BORROWING, the taking up of money of a friend, or other person, on condition of returning it after a certain time, and paying interest for the same. It is almost impossible to undertake and carry on an extensive trade, without sometimes borrowing money, or taking merchandizes upon trust, which amounts almost to the same: but both these ways are capable of destroying a man's credit, and ruining him, if he is not punctual in paying the money when due, especially if it be money borrowed; because the interest, if continued for some time, generally absorbs the whole profit which is made in trade.

A man borrows money, corn, or such thing of another; he may not expect the same again, but the like, or so much: but if one lend me a horse, &c. he must have the same restored. If a thing be used to any other end or purpose, than that for which it was borrowed, the party may have his action on the case for it, though the thing be never the worse; and if what is borrowed be lost, although it be not by negligence of mine, as if I be robbed of it, or where the thing is impaired or destroyed by my neglect, admitting I put it to no more service than that for which it was borrowed, I must make it good: so where I borrow a horse, and put him in an old rotten house ready to fall,

which

which falls on and kills him, I must answer for the horse. But if such goods borrowed, perish by the act of God in the right use of them; as where I put the horse, &c. in a strong house, and it falls and kills him, or it dies by disease, or by default of the owner, I shall not be charged. *Co. Lit. 89. 29 Aff. 28. 2 Hen. VII. 11.*

BOSNIA, a frontier province of Christendom, divided between the house of Austria and the Turks; that part which lies on the east of the river Unna belonging to the Turks, and that part on the west of that river to the Austrians. It is bounded on the north by the river Save, which parts it from Slavonia; on the west by Croatia, and partly by Dalmatia, which bounds it also on the south; it has Servia on the east, from which the river Drin separates it.

The air here is sharp, but the soil produces some corn; and there are also some mines of gold and silver, which are rarely wrought, and, when they are, they do not turn to any extraordinary account.

BOSPHORUS, in *geography*, a narrow freight, or arm of the sea.

The word is principally applied to two places, viz. the *Bosphorus* of Thrace, now usually called the freights of Constantinople; and the Cimmerian or Scythian *Bosphorus*, now called the freights of Kapha, or Kiderleri.

BOTARGO, a kind of sausage, made with the roes and blood of the sea-mullet, a large fish, pretty common in the Mediterranean. The best *botargo* comes from Tunis in Barbary. They also make some in France, at a place called Martegue, eight leagues distant from Marseilles: the people of Provence eat a great deal of it. There is no great trade of it at Paris. They eat the *botargo* with olive-oil and lemon-juice: it must be chosen dry and redish. They cut it in slices, like the caviar, and it is reckoned as nice a dish, as it really is. When they would keep it, they put every bit by itself, and wrap it in a kind of wax leaves, otherwise it will generate maggots: a person may carry it thus any where about him. They salt and dry it in the sun, like caviar. *See that article.*

They also make vast quantities of *botargo* in several parts of Egypt, particularly towards Alexandria. They open the mullet, as soon as it is caught, and they dress the roes almost as they do those of the sturgeon for making the caviar. There is a great consumption of the *botargos* of Alexandria throughout all the Levant.

Botargo, or caviar, may be imported. *Stat. 10 and 11 Will. III. c. 24. s. 14.*

BOTTLE. The English *bottle-manufactory* is superior to that of most other nations, and is a great article of exportation.

BOTTOMRY is the act of borrowing money on a ship's bottom, by engaging the vessel for the repayment, so that in case the miscarriage, the lender loses his money, though if she finishes her voyage, and arrives in safety, the borrower is to repay the loan with a premium of interest agreed on (which is always adequate to the risk) and if this is denied, or deferred, the lender shall have the ship.

Bottomry is likewise called *foenus nauticum*, *pecunia trajecititia*, and sometimes *usura marina*, though improperly, for notwithstanding the interest in these contracts is always much larger than that the law prescribes for monies lent on landed securities, yet it is never accounted *usury*, as marine loans are furnished at the hazard of the lender, which the others are not; and where the risk is greatest on the advanced monies, the profit ought reasonably to be so too.

Money lent on bottomry is commonly on the ship only, though sometimes it is upon the person of the borrower, and sometimes on both; the first is where a man takes up money, and obliges himself, that if the ship agreed on arrives at such a port, then to repay the loan, with the interest stipulated, but if the ship miscarriage, then nothing. But when money is lent at interest, it is delivered at the peril of the borrower, and the profit of this is merely the price of the loan; whereas the profit of the other is a reward for the danger and adventure of the sea, which the lender takes upon himself, and makes the interest lawful. *Usura marina* joins the advanced money and the danger of the sea together; and this is obligatory sometimes to the borrower's ship, goods, and person.

Where bills, or bonds of bottomry are sealed, and the money is paid, if the ship receives injury by storm, fire, &c.

before the beginning of the voyage, then only the person borrowing runs the hazard, unless it be otherwise provided; as that, if the ship shall not arrive at such a place, at such a time, &c. there the contract hath a beginning, from the time of the sailing: but if the condition be, that if such a ship shall fail from London to any port abroad, and shall not arrive there, &c. then, &c. there the contingency hath not its beginning till the departure.

A master of a ship may not take up money on bottomry in places where his owners reside, except he be a part owner, and then he may only take up as much as his share in the ship will answer; for if he exceeds that, his own estate is liable to make satisfaction; but when a master is in a strange country, where there are no owners, nor any goods of theirs, or of his own, and for want of money he cannot perform his voyage, he may in this case take up money on bottomry, and all the owners are chargeable thereto; but this is understood where money cannot be procured by exchange, or any other means: and in the first case, the owners are liable by their vessel, though not in their persons; but they have their remedy against the master. *Salk. 35. 2 Mod. Cases, 79.*

Some masters of ships, who had insured, or taken up money on bottomry, to a greater value than their adventure, having made it a practice to cast away and destroy the ships under their charge, it is made felony, and the offenders to suffer death. *10 Car. II. cap. 6.*

By another statute, it is enacted, that after the first of August, 1746, every sum lent on bottomry, or at *respondentia*, upon any subject's ships to, or from the East-Indies, shall be lent only on the ship, or the merchandizes laden on board her, and so expressed in the condition of the bond, and the benefit of salvage shall be allowed to the lender, his agents, &c. who alone shall have a right to make assurance on the money lent; and no borrower of money on bottomry, or at *respondentia*, as aforesaid, shall recover more on any assurance than the value of his interest on the ship or effects, exclusive of the money borrowed. And if the value of his interest doth not amount to the money borrowed, he shall be responsible to the lender for the surplus, with lawful interest for the same, together with the assurance and all charges, &c. notwithstanding the ship and merchandize be totally lost. *19 Geo. II. cap. 37. p. 569.*

All his majesty's subjects were prohibited, during the continuance of the war before the last, to lend money on bottomry or *respondentia*, on any ships or goods belonging to France, or to any of the French dominions or plantations, or the subjects thereof, and in case they did, the contracts and agreements to be void, and they or any agent or broker interfering therein was to forfeit five hundred pounds, &c. *21 Geo. II.*

Some have practised the taking up monies on a fictitious supposition, the condition reciting, *Whereas there is such a ship* (naming her) *bound to Amsterdam, whereof such a man is master*, (although there be neither such a ship or master existing) *that if that ship shall not arrive at such a place within twelve months, the money agreed on shall be paid; but if the ship shall arrive, then nothing*; this is an unreasonable way of raising money copied from the Italians, and though it is also very unconscionable, and, as to internal right, unjust; yet it has had a currency between the necessitous and avaricious part of mankind, and was adjudged, (*C. B. Hill. 22, 23. Car. II.*) that such a contract was good, according to the common law of this realm, and that on a special verdict; but though it has this sanction, yet the prohibiting insurance, *interest or no interest*, (as by the aforesaid act) will tend to render it at least less practicable, if not utterly to destroy it.

The form of a bill of bottomry.

“ To all people to whom these presents shall come, I, A. B. of, &c. owner and master of the ship called, &c. of the burthen of two hundred tons, now riding at, &c. and bound for, &c. in the West-Indies, send greeting: Whereas I, the said A. B. am at this time necessitated to take up, upon the adventure of the said ship, called, &c. the sum of 100 l. for setting forth the said ship to sea, and furnishing her with provisions for the said voyage, which C. D. of, &c. merchant, hath on request lent unto me,

and supplied me with, at the rate of 20*l.* for the said 100*l.* during the said voyage: *now know ye*, that I, the said A. B. do by these presents, for me, my executors and administrators, covenant, and grant to, and with the said C. D. that the said ship shall with the first fair wind, after the day, &c. depart from the river Thames, and shall, as wind and wheather shall serve, proceed in her voyage to, &c. in the West-Indies; and having there tarried until, &c. and the opportunity of a convoy, (*if in time of war*) or being sooner dispatched (*which shall first happen*) shall return from thence, and shall, as wind and weather shall serve, directly sail back to the river of Thames, to furnish her said voyage: and I, the said A. B. in consideration of the said sum of 100*l.* to me in hand paid by the said C. D. at, and before, the sealing and delivery of these presents, do, hereby bind myself, my heirs, executors, and administrators, my goods and chattels, and particularly the said ship, with the freight, tackle, and apparel of the same, to pay unto the said C. D. his executors, administrators, or assigns, the sum of 120*l.* of lawful British money, within one and twenty days next after the return and safe arrival of the said ship, in the said river of Thames, from the said intended voyage. And I, the said A. B. do for me, my executors and administrators, covenant and grant, to and with the said C. D. his executors and administrators, by these presents, that I, the said A. B. at the time of sealing and delivery of these presents, am true and lawful owner, and master of the said ship, and have power and authority to charge, and engage the said ship, as aforesaid; and that the said ship shall at all times, after the said voyage, be liable, and chargeable for the payment of the 120*l.* according to the true intent and meaning of these presents. And lastly, it is hereby declared and agreed, by and between the said parties, to these presents, that in case the said ship shall be lost, miscarry, or be cast away, before her next arrival in the said river of Thames, from the same intended voyage, that then the said payment of the said 120*l.* shall not be demanded, or be recoverable by the said C. D. his executors, administrators, or assigns; but shall cease and determine, and the loss thereby be wholly borne and sustained by the said C. D. his executors and administrators: and that then, and from thenceforth, every act, matter, and thing herein contained, on the part and behalf of the said A. B. shall be void; any thing herein contained to the contrary notwithstanding. *In witness, &c.*"

BOUCHARIE. The *Great Boucharie* (of which *Bouchara* is the capital) comprehends the Sogdiana, and Bactriana of the ancients, with their dependencies, and is at present the best cultivated, and most populous of any province in all the Grand Tartary.

With the Mahometan Tartars, the slaves are a considerable object of trade, for whose capture they often make war with their neighbours, keeping some for their own service, and selling the rest where they can; and this commerce goes so far with some of them, that in default of an opportunity to make slaves, they do not scruple to steal and sell the children of one another, or to sell their own, if they cannot do better; and if they are tired of their wives, they sell them without any ceremony, as they do their daughters, especially if they are handsome.

The horses of these Tartars have but a bad appearance, being very lean, notwithstanding which they are indefatigable, and may justly be termed the best horses in the world.

It must be acknowledged that nature has withheld nothing from this fine country, that could render an abode here agreeable; the mountains abounding in the richest mines, and the vallies in an admirable fertility of all sorts of fruits and pulse. Their meadows are covered with grass man-high; their rivers full of excellent fish; and wood (so scarce in all the rest of Great Tartary) grows abundantly in many places of this province: but all this is of very little use to the Tartar inhabitants, who are naturally so slothful, that they rather chuse to pilfer and steal, than to apply themselves to cultivate what nature has offered them so liberally.

Karschi, or *Karschi*, is at present one of the best cities in the *Great Boucharie*; it is large, well built, and better peopled than any other in the country; the adjacent parts

are extremely fertile, and its inhabitants carry on a very good trade to the north of India.

Jalafagan, which stands almost in front, is one of the chief passages by which people enter from the states of *Contaisch* into the *Great Boucharie*.

The city of *Bouchara*, or *Buchara*, is upon a river, whose waters are very unwholesome, and which discharges itself into the Amu, about forty leagues from the Caspian-Sea; it is large, fortified, and well seated for trade with Tartary, Persia, and India; though with all these advantages, it carries on but little, being hindered by the extraordinary impositions on foreigners in the article of customs.

Samarkant, capital of the province of Maurenner, is about seven days journey to the north of *Bouchara*, and was formerly much more brilliant than now, however, it is still large and populous enough; it is said that the best silk-paper is made here of any in the world, and is therefore much sought after by the Oriental nations. Here is the most famous Mahometan academy of sciences; and its adjacent grounds produce apples, pears, grapes, melons, (of an exquisite taste) and in such quantities, that the empire of the great Mogul, and part of Persia, are supplied from hence with them; and indeed this city wants nothing to render it considerable in trade, but other masters and neighbours than the Mahometan Tartars.

Wardansi, seated to the westward of *Bouchara*, towards the frontiers of Charassim, is a tolerable large city, inhabited by the Bouchares, who, in peaceable times, trade to Persia, and in the country of Charassim.

Talkhan, seated below Balck (which see) on the river that runs by it, is a small city, well built, pretty populous, and with a tolerable trade.

The *Little Boucharie*, or the kingdom of *Chaschgar*, is a fertile country, and tolerably populous; it is rich in gold and silver mines; but the Calmoucks, who are at present its masters, receive but little benefit from them, as they live quietly on the products of their cattle, and never mind gold nor silver, that is to cost them trouble in its acquisition; however, the Bouchares, who inhabit the towns, collect a good deal of gold-dust in the spring, in the gutters, which the torrents occasioned by the melting snows, make on every side of the mountains, and carry it to India, China, and even so far as Tobolsky in Siberia. There is also found large quantities of musk in the *Caschgar*, and many sorts of precious stones, among which are diamonds; but the inhabitants have not the art to cut or polish them, and therefore are obliged to sell them rough.

The city of *Caschgar*, which gives its name to the country, was once the capital of the kingdom; but since the Tartars have been in possession of it, it is greatly fallen from its pristine grandeur; however, it still carries on some trade with the neighbouring countries, though little in comparison of what it did formerly.

Jerkeen is at present the metropolis of the *Little Boucharie*, and is pretty large. It is the staple of the Indian trade with the north of Asia, of Tangut with Siberia, and of the *Grand Boucharie* with China, which renders it both rich and populous. If Peter the Great had lived a few years longer, he would have endeavoured to establish a trade between this place and his territories, by means of the Irtysh, which would have been very advantageous to Russia.

Chateen, or *Chotan*, is to the east of Jerkeen, and at present in a flourishing condition, by reason of the great trade carried on here between the Boucharis, Calmoucks, Indians, and the Tangutois, and the extreme fertility of the soil.

BOULINIS, or **BOULIGNIS**, a copper coin, struck at Boulogna, in Italy; it serves there instead of pence, and in buying and selling, they bargain by *boulini*, as they do in France by sols, and in England by pence.

BOUNTY is given by the government to encourage an exportation of our native commodities, when the quantity exceeds the home-consumption, and consequently the prices are so reduced, as to render the proprietors great sufferers, either from the perishableness of the commodities, or from their incapacity to support the delay of a rising market; in consideration whereof, provision has been made for their relief by several acts of parliaments, in granting a *bounty* on the exporting various sorts of goods when

when they are under the prices limited therein, and a similar encouragement has been given for the importation here of some of the manufactures of our own plantations abroad.

BOUNTY on CORN exported.

		Price per quarter Winchester measure.			Bounty per quarter Winchester meas.		
		l.	s.	d.	l.	s.	d.
By 1 Will. and Mar. c. 12. f. 2.	Wheat	2	8	0	0	5	0
	Rye	1	12	0	0	3	6
	Barley	1	4	0	0	2	6
	Malt	1	4	0	0	2	6
By 5 Ann. c. 8. art. 6. 5 Ann. c. 29. f. 10. 15.	But the excise of 6 d. per bushel must not be reckoned into the price of the malt. 13 and 14 of Will. III. c. 5. f. 31. 12 Ann. c. 2. f. 3.						
	Beer alias big	1	4	0	0	2	6
	Malt made of wheat	2	8	0	0	5	0
Oatmeal when oats do not exceed		0	15	0	0	2	6

When the above sorts of corn, either ground or unground, do not, at the port of exportation, exceed the respective prices in the first column, and shall be shipped on board any British ship, whereof the master, and two-thirds of the mariners, are British subjects, in order to be exported to parts beyond the seas, the exporter is to be allowed the respective bounties in the second column; provided a certificate in writing, under the hand of the exporter, containing the quantity and quality of the corn, be first brought to the collector of the port, and the truth thereof confirmed by the oath of one or more credible person or persons; and bond be given by the exporter, in the penalty of ten pounds for every ton of oatmeal, or forty bushels of beer, alias bigg, and two hundred pounds at least for every hundred tons of all the other sorts (i. e. eight shillings per quarter) that the same shall be exported into parts beyond the seas, and not be relanded in Great-Britain, or the islands of Guernsey or Jersey.

In order to adjust the quantity for which the bounty is to be paid, the corn is to be admeasured by the proper officers of the customs, who, for the greater expedition, may make use of a tub or measure containing four Winchester bushels; or if the said corn be intended to be exported in sacks, they are to chuse two out of any number not exceeding twenty sacks, and so in proportion, and thereby compute the whole quantity; but if exported from London, may be measured by the sworn meters, from whose certificate the searchers may certify the quantity shipped for exportation.

But with respect to malt, the bounty is to be allowed after the rate of thirty quarters, and no more, for every twenty quarters of barley, or other corn or grain entered and made into malt, for exportation; as shall appear by a certificate from the proper officer, with whom the corn or grain, intended to be made into malt for exportation, was entered.

And with respect to wheat meal, or other ground corn or grain, the same bounty, and no more, is to be allowed for two hundred and twenty-four pounds weight thereof, as is allowed for four bushels of the same kind of corn or grain, unground, and so in proportion. And if it is brought to be shipped off in sacks, the proper officer may chuse and weigh two sacks out of any number, not exceeding twenty sacks, and so in proportion for any greater quantity, and thereby compute the weight of the whole. And the bounty money is to be paid to the exporter accordingly, upon producing a certificate from the proper officer of the customs, attesting the quantity, quality, and weight thereof.

The aforesaid bounty is to be paid by the collector of the port, upon demand made by the exporter, unless he has not sufficient money in his hands; and then (except for bigg and oatmeal) he is to certify the same to the commissioners of the customs, who are to cause the money to be paid by the receiver-general within three months.

When the certificate above-mentioned, annexed to the debenture for corn exported, is produced to the commissioners of the customs at London, they are immediately to cause an indorsement to be made on the back of the debenture, of the day when it was produced, and as soon as conveniently may be, sign their order to the receiver-general for payment.

If any such debenture remains unsatisfied more than six months after the day it has been produced to the commissioners of the customs at London, interest, at the rate of three per cent. per annum, is to be allowed thereon, from the end of the said six months to the time of payment, or to the time of proper notice given thereof.

The receiver-general, when he has sufficient money in his hands, is to give notice in writing, to be affixed on three or more doors of some public place in the custom-house, London, and to be advertized in the London Gazette, that on a certain day therein limited, and on the four days following (so as six days intervene between the date of the notice and the day so limited, and so as Sundays and holidays be not included in such four days) he shall be ready to pay the principal and interest of such debentures, which have remained unsatisfied above six months from the time of their being produced as above, or principal of such debentures, which have not exceeded the said six months; after the expiration of which five days, all interest is to cease, though the money due should not then be demanded.

These debentures are to be paid by the receiver-general, without fee or reward, in course, respect being had to the times when they were produced to the commissioners of the customs, without any preference, and are assignable by indorsement thereon.

The same allowances are granted, and rules to be observed with respect to debentures for corn exported from Scotland; with this difference, that the certificate is to be made to the commissioners of Edinburgh, and notice of payment to be published in the Edinburgh Courant, and affixed in the custom-house, Edinburgh.

The aforesaid bond, given for the exportation, may be delivered up to be cancelled, upon producing a certificate under the common seal of the chief magistrate in any place beyond the seas, or under the hand and seal of two known British merchants, testifying that the corn was there landed, or upon proof by credible persons, that it was taken by enemies, or perished in the seas.

Malt relanded in Great-Britain is forfeited, with treble the value, besides the penalty of the bond. 3 Geo. II. c. 7, f. 15. and since continued yearly with the malt-act.

BOUNTY on British-made SAILCLOTH exported.

By 12 Ann. c. 16. f. 2.	Was granted from 21 July, 1713, for 7 years.
5 Geo. I. — 25. — 2.	Further continued — for 7 years.
10 — 17. — 4.	Further continued — for 7 years.
8 Geo. II. — 18. — 1.	Further continued to 25 March, 1742, —
15 and 16 — 35. — 1.	Further continued to 1 June, 1747, —
20 — 45. — 1.	Further continued to 1 June, 1754, —
27 — 18. — 6.	Further continued to 29 September, 1760, —

And from thence to the end of the then next session of parliament.

By 4 Geo. II. c. 27. f. 4.	Upon British-made sailcloth or canvas fit for or made into sails, for every ell exported	Bounty.
	Was granted from 24 June, 1741, without limitation, a further allowance for every ell of British-made sailcloth	0 0 1
	Total bounty	0 0 2

This bounty is to be paid out of such parts of the old subsidy as are applicable to incidents, upon the exporter making oath, that such sailcloth was made in Great-Britain, is actually exported, or shipped to be exported, without any intention to be relanded in Great-Britain, and that no former reward upon these acts was made for the same.

Such sailcloth, upon which the bounty has been given, relanded in Great-Britain, shall be forfeited; and every person concerned in bringing back, or relanding the same, shall forfeit two shillings for every ell so brought back or relanded.

BOUNTY on SPIRITS drawn from barley, malt, or other corn, exported.

By 6 Geo. II. c. 17. §. 10. was granted without limitation, viz.

Spirits drawn from barley, malt, or other corn, for every ton thereof } 1 10 0

To be paid to the exporter by the commissioners of the customs, or other proper officer belonging to them, when barley is at twenty-four shillings *per* quarter, or under, upon such proof of the exportation, as is directed by 1 Will. and Mar. c. 12. and out of such duties as are liable to the payment or the *bounties* on corn exported, in the same manner as if the respective quantity of barley, malt, or other corn, had been exported, allowing that twelve quarters of barley or malt are made use of in making one ton of spirits.

BOUNTY on British MANUFACTURES of SILK, &c. exported.

By 8 Geo. I. c. 15. §. 1. granted from 25 March, 1722, to 25 March, 1725.
11 ——— 29.—2. thence continued ——— to 25 March, 1728.
2 Geo. II. c. 28.—4. thence ——— to 29 Sept. 1734.
8 ——— 18.—2. thence ——— to 25 March, 1742.
15 and 16—35.—2. thence ——— to 1 June, 1747.
20 ——— 45.—2. thence ——— to 1 June, 1754.
26 ——— 32.—4. thence ——— to 24 March, 1758.
And from thence to the end of the then next session of parliament.

Upon due exportation of the British manufactures of silk hereafter mentioned, there is to be allowed the following respective bounties, viz.

Ribbons and stuffs of silk only, the pound avoirdupoise weight } 0 3 0
Silks and ribbons of silk mixed with gold or silver, the pound avoirdupoise weight } 0 4 0
Silk stockings, silk gloves, silk fringes, silk laces, stitching or sewing silk, the pound avoirdupoise weight } 0 1 3
Stuffs of silk and grogram yarn, the pound avoirdupoise weight } 0 0 8
Stuffs of silk mixed with incle or cotton, the pound avoirdupoise weight } 0 1 0
Stuffs of silk and worsted, the pound avoirdupoise weight } 0 0 6

To be paid out of the customs, or other duties upon goods imported, by the collector of the port, with the privy of the comptroller, upon a debenture made out from the entry, the shipping verified by the searcher, and the oath of the exporter, that they are of British manufacture, exported without intention of relanding in Great-Britain; he having first given security with one or more persons, in the value of the goods, to the same purpose; and to produce a certificate from the officers of the customs in discharge thereof, within six months, for such goods as shall be exported to Ireland, Guernsey, Jersey, Alderney, Sark, or Man, and within eighteen months for those to the British plantations; and for what shall be exported to any other foreign parts, a certificate under the common seal of the chief magistrate, or under the hands and seals of two known British merchants there residing.

But after 1 May, 1729, if such goods were sold on the coast of Africa, or other foreign parts, where certificates of the landing cannot be obtained, or where transhipped at any of the British plantations in America, without being there landed, into ships bound to Africa, or other foreign parts, the bonds given on exportation may be discharged, and vacated, upon proof made within eighteen months from the date of such bonds, upon oath of the master, mate, purser, &c. and also upon oath of the merchant exporter, if living, that to the best of their knowledge and belief, the said goods have been disposed of at the places therein to be mentioned, and that they have not been reloaded, or brought on shore again, in any port or part of Great-Britain.

The aforesaid manufactures may, after entry, be opened and examined by the officers, and if wrong entered, are forfeited, with their value; but if right entered, must be re-packed at the officer's charge, which may be allowed him by the commissioners of the customs.

And in all cases of disputes, touching the manufacture or quality, the *onus probandi* is to lie on the proprietor.

No allowance to be made for such manufactures as are mixed with gold, silver, or silk, only at the ends and edges of the piece.

Silk stuffs mixed with grogram-yarn, incle, cotton, or worsted, not to have allowance, except at least two-third parts of the ends, or threads of the warp, (in the length of the piece) be all silk, or mixed, or twisted with silk in the warp, and the silk mixed in the warp be obvious and apparent to the view of the proper officers of the customs; and the silk therein used be double the value of the *bounty*.

And if entered or shipped, not being mixed with the quantity of silk required, they are forfeited, with double the value.

If reloaded, forfeited, with the penalty of the bond, and treble the value.

BOUNTY on British-made GUNPOWDER exported.

By 4 Geo. II. c. 29. §. 1. was granted from 24 June, 1731, for 5 years.
10 ——— 27.—3. further continued to 24 June, 1738.
16 ——— 26.—1. further continued to 24 June, 1750.
24 ——— 52.—4. further continued to 24 June, 1757.
And from thence to the end of the then next session of parl.

Gunpowder of the manufacture of Great-Britain, exported by way of merchandize, for every barrel containing one hundred pounds net weight, and so in proportion for greater or less quantities } 0 4 6

To be paid to the exporter on a debenture to be made forth by the collector of the customs (with the privy of the comptroller) at the port of exportation, and the shipping thereof testified by the searcher; the exporter making oath that it is of British manufacture, and to be exported by way of merchandize, and not reloaded, or intended to be reloaded in Great-Britain; that it is not for the use of the ship in her voyage; and also giving security, in the penalty of five pounds *per* barrel, that no part thereof shall be reloaded in Great-Britain.

To be paid out of customs, or other duties on goods imported.

But may not be exported, when it exceeds the price of five pounds *per* barrel.

Fraudulently reloaded (over and above the penalty of the bond) forfeited, and treble the value.

BOUNTY on SHIPS employed in the WHALE-FISHERY.

By 6 Geo. II. c. 33. §. 1. was granted, during the continuance of the act 5 Geo. II. cap. 28. for every British ship of two hundred tons and upwards, manned and navigated according to law, which shall proceed from Great-Britain on the whale-fishery to the Greenland seas, Davis's Streights, or the adjacent seas, a *bounty*, according to the admeasurement of the ship, for every ton thereof } 1 s. d.
10 0

By 13 Geo. II. c. 28. §. 3. continued to 25 Dec. 1750.
22 ——— 45.—2. ditto ——— to 25 Dec. 1757.
And by this last-recited act, a further *bounty* for every ton } 1 0 0

And the whole extended to ships built in any of his majesty's dominions in America.

By Geo. II. c. 20. the whole continued to 25 Dec. 1764, and from thence to the end of the then next session of parliament, and extended to ships under two hundred tons.

Total bounty 2 0 0

To be paid to the master or owners, or their assigns, on the return of the ship to Great-Britain, by the receiver-general of the customs of that part of Great-Britain from whence she departed, out of the old subsidy; but if he has not sufficient money on that branch, then out of any money arising from any duties under the management of the commissioners of the customs respectively, if the following regulations are complied with.

Every ship of the burthen of two hundred tons or under, must have on board forty fishing-lines, a hundred and twenty fathoms each, forty harpoon-irons, four boats, with seven men to each boat (including a harpooner, a steersman, and a line-manager to each boat) making in the whole twenty-eight men, besides the master and surgeon, with six months provision at least; and every ship of larger burthen, an increase of six men, one boat, ten such lines, and ten harpoon-irons, for every fifty tons.

After 25 December, 1757, every ship employed in this fishery is to have on board an apprentice, indentured for three years at least, for every fifty tons burthen, otherwise the owners are to lose the *bounty*; but such apprentice is to be accounted as one of the number of men, which by law ought to be on board such ship.

After 25 December, 1757, no ship above the burthen of four hundred tons shall be intitled to a larger *bounty* than a ship of four hundred tons; nor the owners obliged to fit out, equip, or man any such ship, otherwise than is required for a ship of four hundred tons.

The ship, before she proceeds on her voyage, must be visited by the proper officer of the customs at the port from whence she proceeds, who is to examine the above qualifications, and take an account of her tonnage, &c. and certify the same to the commissioners of the customs. And if it appears, by the oath of one of the owners and the master of the ship, made before the collector and comptroller of the port, at the foot of the certificate, that it is really and truly their firm purpose, and determined resolution, that such ship shall forthwith proceed, so manned, furnished, and accoutred, in a voyage to the Greenland seas, or Davis's streights, or the seas adjacent, and there to use their utmost endeavours to take whales, and other creatures living in the sea, and on no other design, and to import the whale-fins, oil and blubber, into Great-Britain (naming the port to which it is their intention to return.) And if the master also becomes bound with two sufficient securities, in treble the value of the *bounty* (which bond is to be taken by the collector, and with approbation of the comptroller, and is to be in force for the term of three years against them, for the faithful dealing of the master and ship's company, in regard to the ship and voyage) then any three of the commissioners of the customs for England or Scotland, respectively, upon receiving such certificate and oath, with a certificate that sufficient security has been given, are to grant to the master and owners full licence to proceed on such voyage.

On the return of such ship to the port mentioned in the oath of the master, the proper officers of the customs are to go on board and view her condition and lading, and take a schedule of the names of the master, mate, and other persons on board, distinguishing the harpooners, and persons more immediately employed in the fishery, and certify the same, with their observations thereon, and also the real tonnage of the ship; and the master and mate must make oath before the collector and comptroller, on the back of, or annexed to the licence (which is then to be delivered) that they did in pursuance thereof (mentioning the day of their departure) proceed in a voyage directly to the places aforesaid, and have not since been on any other voyage, or pursued any other design or view of profit; and that they had there (mentioning the time of their stay) used their utmost endeavours to take whales, and other creatures living in those seas; and that all the whale-fins, oil and blubber, imported (if any) in such ship, was truly, and *bona fide*, taken in the said seas by the crew of such ship only. This schedule, certificate, licence, and oath, are to be transmitted to the respective commissioners for that part of Great-Britain from whence the ship departed with her licence, who being fully satisfied of their faithful dealings are, on demand, to cause payment to be made of the *bounty*, as above.

Ships fitted out from any of his majesty's dominions in America, to be under the same regulations as those fitted out from Great-Britain, except that they are not to be more than two years old from the first building, which is to be inserted in the oath; and that the certificate is to be returned to the governor or naval-officer, who are to administer the oath, take the bond, and grant the licence.

On the arrival of such a ship in Great-Britain, the proper officers of the customs are to proceed, as directed for

British ships; and the respective commissioners of the customs, for that part of Great-Britain where the shall arrive, being satisfied of the faithful dealings of the master and others, with respect to the voyage, shall cause payment to be made of the *bounty*.

Also every ship fitted out in America must sail from the port where surveyed, directly on the whale-fishery, on or before the first of May, and not leave Davis's Streights, or Greenland, and seas adjacent, before the 20th of August, unless they have such success as to fill as many casks with blubber as will amount to no less than two hundred hog-headers for a ship of three hundred tons, and so in proportion, or meet with any unavoidable accident, so as to endanger the lives of the crew; which accident must be declared on the oaths of the masters, mate, carpenter, harpooners, line-managers, boat-steerers, and surgeon, or such of them as are living; otherwise she shall lose the benefit of this *bounty*.

The commissioners of the customs for England and Scotland respectively must, at the beginning of every session of parliament, lay before both houses an account of what number of ships have been employed in this fishery, with their names and burthens, from whence fitted out, and at what port in Great-Britain discharged, and what quantity of oil or whale-fins each ship imported.

BOUNTY *f.r* encouragement of the British WHITE-HERRING FISHERY.

By 23 Geo. II. c. 24. s. 6. was granted to the society of the free British fishery, for fourteen years, from the 11th of October, 1750, the date of their charter.

And by 28 Geo. II. c. 14. s. 4. was further continued for three years.

And is,
For every hundred pounds actually employed in the said fishery } 31. *per annum*.

To be paid to the proprietors of the stock out of the customs, by the receiver-general of the customs, by equal half yearly payments, provided the society shall employ one hundred thousand pounds at least in the said fishery, within eighteen months after the date of their subscription.

In order to ascertain the sums from time to time actually expended and employed by the society in the said fishery, the account thereof must be delivered to the commissioners of the customs, signed by three at least of the council of the society, as an attestation that they have examined it, and believe it to be just, and attested by the oath of the accountant of the society at the foot of the account; upon which the commissioners are to order payment accordingly.

The society are also to lay their accounts annually before parliament, and if loss should arise by one year's adventure, and there should be gain by succeeding years, the gain must be applied to make good the original stock of one hundred thousand pounds before any dividend is made.

By 28 Geo. II. c. 14. s. 1, 2. this *bounty* is allowed to the society on the sum 104,509l. for two years, to 22 October, 1752, and all future interest on that sum is to be computed from that day; and all future computations of interest on any additional sum paid in by the society, in order to be employed in the said fishery, are to be made from the day on which each sum respectively is paid into the bank of England:

Any number of persons subscribing ten thousand pounds, or upwards, into the stock of the said society, and carrying on the said fishery under their own management, and on their own account, from the port named by them; conformably, nevertheless, to this act and the charter (except as to being obliged to use the marks of the said society) and subscribing under the name of the fishing chamber of such city, port, or town, intitled to the same *bounty*. But their account of expences, attested by three of their committee, signed by their accountant, and verified by his oath, and also the vouchers if required, is to be transmitted to the society in London, whose accountant is to enter it in their account, delivered to the commissioners of the customs, as a sum expended in the said fishery by the said society. The *bounty* is to be paid to the society in London, and by them paid over to the fishing chamber, after deducting the necessary charges of receiving it.

BOUNTY on SHIPS built for, and employed in the British WHITE-HERRING FISHERY.

By 23 Geo. II. c. 24. §. 11, 12, 16. was granted for fourteen years, from the commencement of this act.
By 28 Geo. II. c. 14. §. 4. further continued for three years.

And is for

Every decked bus or vessel, from twenty to } **Bounty.**
eighty tons burthen, built in Great-Britain }
after the commencement of this act, for the }
use of the said fishery, and proceeding thereon } I 10 0
from some port in Great-Britain, and fitted }
out and employed therein by the society of the }
free British fishery, or any other person, manned }
and navigated according to law, for every ton }
burthen }

To be paid annually to the owners thereof out of the produce of the customs, subject to the following regulations.

Every vessel must have on board twelve Winchester bushels of salt for every last of fish she is capable of holding, barrell'd up in new barrels, and as many more new barrels as she can carry, and two fleets of tanned nets; viz. for a vessel of seventy tons, one fleet of fifty nets on board, each thirty yards upon the rope, and seven fathoms deep; and another fleet of fifty nets in a tender, or proper place on shore, each thirty yards upon the rope, and not under five fathoms deep, and so in proportion. And must have on board at the rendezvous six men for a vessel of twenty tons, and one man more for every five tons above twenty; and must return into port with the same number, unless reduced by death, sickness, or desertion, without fraud or collusion.

Before she proceeds on such voyage, she must be visited by the proper officer of the customs, who is to examine if she is qualified as above, and take account of her tonnage by admeasurement, and certify the same to the commissioners of the customs, and whether she is a proper vessel to be employed in the fishery. And further, upon one of the owners, or their agents, or a proper officer or agents of the society, and the master of the vessel making oath at the foot of the certificate, before the collector and comptroller of the port, that it is their firm purpose, and determined resolution, that the vessel shall proceed, so manned, furnished, and accoutred, either to Brasseys's found in Shetland, and be at the rendezvous on or before the 22d of June, and not shoot or wet their nets before the 24th of June, and shall continue fishing among the shoals of herrings as they move southward, unless prevented by loss of masts, or other unavoidable accidents, to the 12th of October; or shall proceed to Cambell town in Argyleshire, or Kirkwall in the Orkney Islands, and be at the rendezvous on, or before the 12th of September, and continue finishing among the shoals of herrings as they move to the 11th day of January, unless they shall sooner have compleated their loading [1], and fish in an orderly manner, without obstructing others; and shall keep a journal of their proceedings, and an account of the quantities of fish dispatched to foreign markets before they come into port, and the quantity they shall bring into port with them; and upon the same persons giving security, in treble the value of the *bounty*, for the faithful dealings of the master and ship's company, the collector and comptroller of the port are to give them a licence to proceed on the voyage.

But in the interval, between the Shetland and Yarmouth fisheries, the vessels may put into any port of Great-Britain or Ireland to change their nets, or otherwise prepare for the Yarmouth fishery; and are not obliged to carry more than one fleet of nets to the latter fishing.

Upon the return of the vessel to her port of discharge, the chief officer of the customs, or one appointed by him, must go on board and examine her condition and lading, and certify the same, with their observations thereon, and also the tonnage and names of the master, and other persons on board [2]; and the master must make oath, before the collector and comptroller of the port, on the back of the licence, or to be annexed to it, that the vessel was at one of the places before mentioned at the time appointed, and has not since been on any other voyage, or pursued any other design, or view of profit; and that they did remain fishing according to the directions of this act, and had, at

the time of their rendezvous, the quantity of nets and other stores, and number of men, as above directed [3]. The licence is to be delivered up, with an account of what was done in pursuance of it; and the certificate, schedule, licence, and oath, together with the account of the fish taken, are to be transmitted, by the collector and comptroller of the port, to the commissioners of the customs for that part of Great-Britain from whence she departed with her licence; who, being satisfied of their faithful dealings, are (upon the owners producing a proper certificate, from the receiver of the duty of six-pence *per* month from all seamen for the use of Greenwich-hospital, that all money due on that account for every seaman on board such vessel has been paid) to cause payment of the *bounty* to be made by the receiver-general of the customs.

The society may let out to hire any of their busses to be used and employed in the said fishery only, and subject to the same regulations and restrictions, as if employed by the society.

[1] By 28 Geo. II. c. 14. §. 5, 6. the society may follow the white-herring fishery in any part of the British seas; and are not to forfeit this *bounty*, though the busses should not arrive at one of these places of their rendezvous on the respective days appointed, provided she took her departure from one of those places at least five days before the day appointed for their being there.

[2] A true copy of this certificate must be transmitted by the commissioners of the customs, with all convenient speed, to the receiver of the duty of six-pence *per* month from all seamen for the use of Greenwich-hospital, in London. 28 Geo. II. c. 14. §. 10.

[3] If by virtue of the liberty granted (note [1]) any bus quits her station, appointed by 26 Geo. II. c. 9. in order for fishing at other stations, or does not arrive at one of the stations there mentioned on the day appointed, this oath is to be varied, and made conformable to the circumstances attending such respective bus. 28 Geo. II. cap. 14. §. 7.

BOUNTY on BRITISH and IRISH LINENS exported.

By 29 Geo. II. c. 15. §. 1. was granted from 24 June, 1756, for fifteen years, and from thence to the end of the then next session of parliament:

For every yard of <i>British and Irish linen</i> made	} Bounty.
of hemp or flax, of the breadth of 25 inches	
or more, and under the value of 1s. and	
6 d. <i>per</i> yard	} 0 0 0½
Of the value of 5d. and under the value of	
6 d. <i>per</i> yard	} 0 0 1
Of the value of 6d. and not exceeding the	
value of 1s. and 6d. <i>per</i> yard	} 0 0 1½

which shall be exported out of Great-Britain to Africa, America, Spain, Portugal, Gibraltar, the island of Minorca, or the East-Indies.

To be paid to the exporter, or seller for exportation, by the collector of the port from whence the same shall be exported, out of any monies in his hands arising from any dues, revenues, and customs received at such port.

But not to extend to any linens that are striped or chequered, or printed or painted, or made into buckrams or tilletings; nor to any Irish linen, unless of the property of persons residing in Great-Britain, or in his majesty's plantations in America; nor to such Irish linen, whereof the piece or bolt contains thirty-eight yards in length, and twenty-four inches in breadth, and cloths of different lengths and breadths in proportion, from N^o 1. to N^o 10. inclusive, weighing from fifteen to forty-four pounds, as described in the act of 9 Geo. II. cap. 37.

Collectors in the out-ports of South-Britain, and in any port of North-Britain, not having money sufficient in their hands to pay such *bounties*, are to certify the same to the commissioners of the customs at London and Edinburgh respectively, who shall cause payment thereof to be made by the respective receiver-general; and if the receiver-general of Edinburgh hath not money sufficient in his hands, the commissioners at Edinburgh, or any three of them, shall certify the same to the commissioners in London, who are to cause payment thereof to be made by the receiver-general there.

The exporter, or seller for exportation, shall express in his entry, and indorse on the cocket, the quantity and value of such linen, and produce a certificate from the searcher, verifying the shipping thereof, and likewise give security in double the value of the goods, and one hundred pounds, not to reland them in Great-Britain, Ireland, or Isle of Man; and shall also make oath of the value of such linens, and that the same were made in Great-Britain or Ireland, and (if in Ireland) that at the time of exportation they were the property of a person or persons residing in Great Britain, or in some of his majesty's plantations in America.

After entry of any linens, as being intitled to this *bounty*, the searcher, or other proper officer, may open and examine any package, to see if the goods are rightly entered and indorsed; and if they are so, he must repack them at his own charge, which shall be allowed to the officer by the commissioners of the customs, if they think it reasonable.

If any linen, so to be exported for the *bounty*, shall be of greater value than eighteen-pence *per* yard, the exporter, or seller thereof for exportation (on demand in writing made by the customer or collector and comptroller of the port of exportation) shall cause it to be delivered into the king's warehouse; and the collector shall pay to the exporter, &c. (out of any money in his hands) the value of one shilling and seven-pence *per* yard, taking his receipt for the same; and such linen to be publickly sold and out of the produce thereof the money to be replaced to such funds from which it was borrowed, and one moiety of the overplus, if any, to be paid into the exchequer to the sinking fund, the other to the officer who searched and examined the linen.

If the exporter of such linen, so demanded, refuses to cause the same to be delivered up; and if any such linen, entered for exportation, of the value of six-pence *per* yard, and not exceeding eighteen-pence *per* yard, shall be found to be under the value of six-pence *per* yard; or entered for exportation at the value of five-pence *per* yard, and not amounting to the value of six-pence *per* yard, be found to be under the value of five-pence *per* yard; or of such linen as shall be less in quantity than is indorsed on the cocket, or shall be found to be under the breadth of twenty-five inches, or entered and indorsed under a wrong denomination, whereby the *bounty* may be fraudulently received; all such linen, and also all the goods in every package, indorsed on such cocket, shall be forfeited, and the exporter to lose the benefit of the *bounty*.

Any such linen, for which the *bounty* has been given or claimed, relanded in Great-Britain, Ireland, or the Isle of Man, is forfeited, and every person concerned in bringing back, or relanding it, forfeits one shilling *per* yard.

Bonds taken, or debentures made, pursuant to this act, are not chargeable with the stamp-duties.

Any person, legally convicted of falsely making any oath required by this act, is to forfeit two hundred pounds, and be imprisoned for twelve months.

In case of any question, whether the linens are of the manufacture of Great-Britain or Ireland, the *onus probandi* is to lie upon the exporter or seller for exportation.

BOUNTY on British plantation-made INDIGO imported.

By 21 Geo. II. c. 30. s. 1, 6, 8. was granted for seven years, from 25 March, 1749.

By 28 Geo. II. c. 25. s. 1. further continued to 25 March, 1763; and thence to the end of the then next session of parliament.

For every pound weight of good and merchantable indigo, free from any false mixture, and fit for dyers use, imported directly from any of the British colonies or plantations in America, in a ship which may lawfully trade thither, manned as by law required, and being of the growth or product of the plantation from whence imported, and being worth three shillings *per* pound weight, when the best French, or other indigo equal with the best French, is four shillings *per* pound weight, and so in proportion } Bounty.

To be paid upon demand to the importer by the collector of the port of importation, out of the customs; but if he has not money sufficient in his hands, he must certify the same to the commissioners of the customs, who are to cause it to be paid by the receiver-general of the customs in England or Scotland respectively, according to the place of importation.

But to intitle the importer to this premium, the person who ships the indigo in America must, before the ship is cleared out, produce to the governor, lieutenant-governor, collector and comptroller of the customs, and naval-officer of the colony, or any two of them, a certificate signed and sworn before a justice of the peace by the planter, or his known agent, and attested by the justice, "that a quantity of indigo, expressing the weight thereof, had been sent from his indigo-work to be shipped off, or was sold to the person therein named, and was of the growth of his plantation situate in the district, division, or parish of ———, within the island or colony of ———," and also sign a certificate himself before the said officers, "that the indigo shipped by him is the same mentioned in the planter's certificate;" upon which they are to deliver to him a certificate, under their hands and seal of office, of "having received such certificate, and that at the same time the planter's certificate was produced and left with them." This last certificate must be produced to the chief officer of the customs at the port of importation, together with a certificate from the commander of the vessel importing the indigo, "that the same was shipped on board his vessel, within such British colony in America, as mentioned in the said certificate;" and also a certificate signed by the surveyor, land-waiters, or searchers of the customs of the port where landed, or any of them, specifying "the weight, and that it is good and merchantable, free from false mixture, and of such quality as to be intitled to the premium;" which certificate they must grant within ten days after landing, unless they can assign sufficient cause for refusal. Upon producing the several certificates to the proper officer, the premium is to be paid.

The officers of the customs before making out the certificates are to examine the indigo, by opening the package, and shifting it so as to see the whole contents, and if it is good and merchantable, and free from false mixture, and of the value required.

In case of any dispute about the quality of the indigo, if in the port of London, the commissioners of the customs may call two or more dyers, dry-falters, or brokers, or others well skilled in it, who are to declare upon oath, if required, their opinion as to the quality, and whether it is intitled to the premium; if in the out-ports, samples are to be sent up to the commissioners of the customs in London or Edinburgh respectively, to be inspected and adjudged there.

No fee, gratuity, or reward, to be taken by any officer of the customs for examining, viewing, or delivering such indigo, or for signing any certificate, or paying the premium, on forfeiture of one hundred pounds, loss of office, and being incapable of serving his majesty.

Certificates, and debentures, made out in pursuance of this act, are not chargeable with the stamp-duties.

No person may enter, or cause to be entered, any foreign-made indigo, under the name of British plantation-made indigo, on forfeiture thereof; mix, or cause to be mixed, any foreign indigo, or other false mixture, with that made in the British plantations, in order to obtain the premium, on forfeiture of the whole, and double the value thereof.

Any governor, lieutenant-governor, collector, or comptroller of the customs, naval-officer, merchant, trader, or factor, or master, or commander of a ship, or any other person, falsely making a certificate of the produce or manufacture of any indigo, or counterfeiting any certificate by this act required, in order to obtain the premium, is to forfeit two hundred pounds, and if an officer of the customs, also to lose his office, and be incapable of serving his majesty.

If any indigo, made in the British plantations in America, shall be exported after the 25th of March, 1749, the exporter, before entry thereof, is to pay to the collector of the customs, at the port of exportation, six-pence for every pound weight, allowed as a premium by this act,

over and above any other duty it is subject to pay on exportation, on forfeiture thereof, and double the value; and in case of a dispute, whether it is of the growth, product, and manufacture of the British plantations in America, the *onus probandi* is to lie upon the owner or claimer.

Penalties and forfeitures, by this act, may be prosecuted in any of his majesty's courts of record at Westminster, the court of exchequer in Scotland, or any of the courts of admiralty, in his majesty's plantations in America respectively; and are to be divided, if in Great-Britain, on moiety to his majesty, and the other to the person who shall sue for the same; if in his majesty's plantations in America, one-third to his majesty, one third to the governor of the plantation, and one-third to the person who shall sue for the same. See ALLOWANCE, DRAWBACK, and PREMIUM.

BOURBONNOIS, a territory of the government of Lyonois in France, is bounded on the north by Nivernois and Berry; on the west by Upper Marche; on the south by Auvergne; and, on the east, by Burgundy and Forez. This country produces very good wine, but it spoils, if it be transported abroad. Here are a vast number of mineral springs, which are very famous, and much resorted to.

At *Moulins* is made a great deal of iron and steel works, which are very much esteemed in France.

Near the city of *Bourbon L'Archambaud* are some rocks which have veins, the small stones of which are like diamonds and cut glass; when they are well polished and set, the best connoisseurs will take them for true diamonds.

At *Gannat* is a granary of salt.

BOURG DORFF, in Switzerland, is a town engaged in a pretty considerable traffic, with linen thread, and hemp. Its markets are frequent, and it abounds in whittlers, having besides several good fabricks of cutlery-ware.

BOUTAN, an Indian kingdom, bordering on the states of the grand Mogul, is a country very little known; though there is a caravan of merchants, who yearly set out from Patna, the greatest city of Bengal at the end of December. This caravan arrives in eight days at Gorrochepour, the last city of the Mogul, when the merchants take provisions for the part of their remaining journey; from thence to the foot of the Naugrocel Mountains, is eight or nine days painful travel, which mountains are eight or ten days getting over; and as they are very rugged, the inhabitants, who retire here, and are half savages, come to offer themselves to the passengers, for the carriage of them and their merchandize, to the foot of the descent. The provisions and goods are loaden on oxen, which carry about an hundred and fifty pounds weight; and the men pass, seated on a sort of cushion, which these poor people fix on their backs, and three women commonly relieve one another in carrying a man this little journey; on leaving the mountains, there are oxen, camels, horses, and even Palanquins, for those that chuse them, which travellers do not quit till their arrival at *Boutan*.

A very great trade in musk is carried on in all the country of *Boutan*; and it is here also where the finest rhubarb is found; here likewise grows the *semen contra vermes*, (or worm-seed) and the country abounds greatly in martens, so that very fine furs are to be procured here, but little gold is to be met with in the whole kingdom; that which is, being brought from abroad, by the merchants who come to trade.

In regard to silver, it is believed here are some mines, and that it is from the products of the country, that the king of *Boutan* stamps his coin, which is of the same weight and value of the roupies, of an octagon shape, with characters that are neither Indian nor Chinese.

Their sole manufactures are coarse hempen or cotton linens, with which they clothe themselves in summer; and ill made cloth, hardly better than felt, serves for their winter clothing.

BOUTON. See MOLLUCCA Islands.

BOW, is the name of an instrument formerly used at sea for taking the sun's altitude. The ingenious Mr. Godfrey, some time since, added a new horizon vane to this instrument, which has rendered it far more useful than before. See *Philosoph. Trans.* N° 345.

Bow of a ship, is that part of her head which is contained between the stern and the after part of the fore-castle,

on either side; so that a ship hath two bows, the starboard and the larboard; or, as they are sometimes called, the weather and lee bow.

BOWER, an anchor carried at the bow of a ship. There are generally two bowers, called the great and smaller bower.

BOWYERS. This is one of the city companies; and was doubtless five hundred years ago as considerable a business as the gun-smith is at present, yet it now subsists only in name; and this company is entirely composed of trades very different from that of bow-making, for which there is now no use.

BOWLING, a rope fastened to the bolt-rope of a sail by two or three ropes, called a bridle, something resembling a crow-foot. Its use is to make the sail stand sharper, or nearer the wind.

BOW-SPRIT, a kind of mast standing slope-ways over the head, being fastened to the stern, and the heel, or after-end, to the partners of the foremast. See SHIP.

BOX, a tree too well known to need a particular description. There are several species of this tree; the two most considerable of which are, the *buxus-vulgaris*, or *buxus arborescens*, which grows to the height of a small tree; and the *buxus humilis*, or humble box, which does not grow above two or three feet high, but spreads very much.

The box-wood is yellowish; hard, solid, even, very heavy, and takes a good polish.

When this wood is in pieces, of a reasonable thickness and length, it is very saleable, being used in works of sculpture, and in instruments of music, such as violins, bass-voles, haut-boys, flutes, flagelets, &c.

Box of an inferior quality serves to make smaller works, as combs, balls, tops, spoons, forks, handles of knives, nut-crackers, tooth-pick cases, snuff-boxes; and other boxes, pullies, &c.

The finest box-wood is used to throw over paper, to dry the fresh writing; the stationers and comb-makers have a considerable trade of it.

One may extract from box, by the help of a retort, a spirit and an oil, which may be rectified, like that of guaiacum. The druggists of Paris, and those of some other great cities in France, drive a pretty good trade in that oil, which is reckoned a sovereign remedy for several distempers, but it is very easy to adulterate it.

BOX-MAKER. This business consists of making up boxes and cases for packing; and may be learned by a boy of the meanest abilities. The work is in general as light as the joiners; but it requires neither nicety nor judgment. There are many shops of this trade in the city furnished with boxes of all sizes; which are bought by the merchants and wholesale-dealers, and used for packing up goods to be sent abroad or into the country. They have usually ten pounds with an apprentice, and pay a journeyman about fifteen shillings a week. One hundred pounds will enable a young man to furnish himself with a sufficient quantity of materials, and to fit up a shop with a good assortment of boxes.

BRABANT, is bounded on the north by Holland and Guelder-land, on the west by Zealand and Flanders, on the south by the counties of Hainault and Namur, and on the east by the principality and bishopric of Liege, and by part of Prussian Guelderland.

The trade of *Brussels*, the capital city of *Brabant* and of all the Netherlands, consists of camblets, laces, and fine tapestries made here, which they send all over Europe. Round three parts of the large market-place here, are the halls of the different trades, where the tradesmen meet on the affairs of their companies: they have each a great room for themselves. Here is a mint for the coining of money.

Louvain was formerly the richest city in the country, and drove a very extensive trade, consisting chiefly in woollen cloths manufactured here: that trade was so flourishing in the beginning of the fourteenth century, under John III. duke of *Brabant*, that there were here above four thousand woollen-drapers, and above an hundred and fifty thousand weavers. But in 1380, these journeymen weavers revolting against Wincesslaus, duke of *Brabant*, he laid all the country waste; and the weavers being besieged at last, were obliged to beg that prince's mercy, and were most of them banished. Upon this they retired

retired into England, where they were kindly received. This intirely ruined the trade of Louvain, which is not considerable at present; and confists chiefly in the excellent beer which they brew here; and of which they send a great quantity into the neighbouring cities, and particularly to Brussels. Some trade, especially in woollen and linen manufactures, is carried on in some other towns and places of *Brabant*. See *AUSTRIAN NETHERLANDS*.

BRACELET, an ornament put round the wrist. There are some made of ribbands, of wove-hair, of horse-hair, of pearls, and of precious stones. The small pictures in miniature, which are put on the arm, are also fastened to the *bracelet*.

Bracelets are in use as well among the most polite as the most barbarous nations. The inhabitants of Madagascar make them of metal, in the form of a ring, or of a chain. The savages of America have them of glass beads. The Blacks on the coast of Guinea make them of those shells, which are called *couris*, or *coris*, in Asia, and *bouges*, in Africa: and it is in order to get those vain ornaments, that they all give their richest merchandizes, and even sometimes barter for those trifles the liberties of their fathers, wives and children.

Bracelets of glass, to what duties liable, 4 *Will. and Mar. c. 5. f. 2.*

BRACES, are ropes fastened to the yard-arms of a ship, to brace the yard, or bring it to any position.

BRADS, a kind of nails used in building, which have no spreading-heads, as other nails have. These are distinguished by iron-mongers by different names, viz. joiner's flooring-brads, batten-brads, bill-brads, or quarter-heads, &c.

BRAN, the skin or husks of corn, particularly wheat, ground in a mill, and separated from the farina or flower by a sieve, or bolting-mill.

BRANDENBURG. This marquisate and electorate has Mecklenburg and Pomerania on the north, part of Lunenburg on the west, part of Magdeburgh, of the dutchy of Saxony, Lusatia, and Silesia on the south, and Poland on the east. In the New Marck they feed great flocks of sheep, and some black cattle; and La Forest says, that, if they were as much given to trade as to drinking and feasting, they might make considerable profit of their sheep, and breed more black cattle. But, since his time, the trade of this country is very much improved, the elector Frederic William having entertained near a hundred thousand protestants, who fled hither from persecution in France, &c. in 1683, and the following years, to whom he allowed great privileges, and an act of naturalization, which settled many useful manufactures in this country, and doubled several branches of the revenue: and the last elector prolonged, and even augmented, the franchise of those French protestants; caused churches to be built for them, of which he maintained the ministers; gave them a very fine college for the education of their children, and chose a company of musqueteers out of them, in which none but French were admitted. Their commodities are chiefly exported by the Elbe and Oder, betwixt which there is a communication by a canal, which saves their paying toll in the Sound. The revenues of the elector of Brandenburg were computed, in 1680, to amount only to between six and seven hundred thousand pounds a year. In 1690, they were thought to exceed one million; and his late majesty, by almost every year inviting, and handsomely settling, new colonies of French protestants in his dominions, advanced his revenue to above a million and a half of our money. There are some, who, considering the many and great taxes that have been lately laid on all commodities, wearing-apparel and victuals not excepted, have made his annual revenue to amount to near two millions sterling. As he has but few silver mines, but some of brass, iron, and copper, the money in his dominions is generally worse than in Saxony and in the electorate of Hanover.

Landsparg is very conveniently situate for trade, which consists much in casting iron ordnance.

Frankfort, once a free and imperial city, is now not so considerable as formerly. Nevertheless, it has a considerable trade, chiefly in linen cloth, by the Oder and the canal between that river and the Elbe, and has three great fairs a year.

The canals from Berlin to the Havel, the Oder, and the Elbe, not only stock it with fish better than any city in Germany, but make it one of the best trading towns in the empire; for they open a communication by small vessels from Silesia to the mouth of the Elbe. See *BERLIN*.

BRANDY, a spirituous and inflammable liquor, extracted from wine, or other liquors, by distillation.

With regard to *brandy* (we speak only of that which is distilled from wine) they who trade in it chuse it white, clear, and of a good taste, and such as will bear the test of proof, that is, that when poured into a glass, it forms on the top of it a little white lather, which, as it diminishes, makes a circle, which the French-brandy merchants call the *chapelet*, and the English the *bead*, or *bubble*, there being no *brandy* but that which is well deflegmated, and does not retain too much humidity, wherein the *bead* will be intirely formed.

The chief use of *brandy* is as a drink, particularly in the northern countries, and among the Negroes of Guinea, who will sell one another for some bottles of *brandy*; and among the savages of Canada, who are extremely fond of it, but to whom the French were forbidden to give any, under very severe penalties.

Brandy is also used in medicine, to strengthen the nerves; and in dyeing, when rectified into spirit of wine, being then reckoned by the dyers among the non-colouring drugs.

Besides the *brandy* made of wine, there is some also made of beer, cyder, syrups, sugar, molasses, fruit, grain, &c. (But these are not properly called *brandy* with us, but go under the general denomination of spirits. See *RUM* and *ARRAC*.) *Wine-brandy* made in France is esteemed the best in Europe.

Duties of exportation paid on brandies at Bayonne.

The pipe, containing about eighty veltes, (about one hundred and twenty gallons) pays four livres ancient duty, and for the one fifth, or the augmentation of four sols per livre, sixteen sols; in all, four livres and sixteen sols.

Duties of exportation at Bourdeaux.

	liv.	sols.
At the custom-house, per piece of fifty veltes	28	9
But the seller accounts to the buyer	8	11
for the duty of importation into the city; so that there remains to be paid by the buyer, who sends the brandy abroad.	19	18
For tare on the pipe of brandy	2	10
For brokerage		5
For carrying on board and stowing		12
For portorage from the seller's quay to the buyer's house, from six sols to eight		8
Pieces containing above fifty veltes pay eleven sols for the last-mentioned portorage; but, on exportation, the seller reimburses it to the buyer.		

The trade of brandy at Amsterdam.

Most of the *wine-brandies* sold at Amsterdam are imported from France, particularly from Cogniac, Nantes, Bayonne, Rochelle, Bourdeaux, Languedoc, and Provence: they have also some from Barcelona in Spain. All those *brandies* are sold by the verge (which is the same as the velte) and are paid in pounds gros, or Flemish, which the French call *livres de gros*.

The thirty verges of Cogniac brandy are bought, one year with another, regulated by the year 1682, for	9½ pounds de gros.
Those of Nantes	8½
Those of Rochelle	8½
Those of Bourdeaux	8½
Those of Languedoc	7½
Those of Provence from	7½ to 7½
Those of Barcelona also from	7½ to 7½

As for the grain *brandy*, or spirit, the greatest part of which is made at Amsterdam, it is sold by the aam, which contains one hundred and twenty-eight mingles.

The aam of *grain-brandy*, or spirit, is commonly fold for twenty-three guilders and a half, a little more or a little less, according to the variety and plenty of grain. On all those branches either of wine or grain there is a deduction, or discount, of one *per cent.* for prompt payment, or ready money.

It is always the feller who gets the *brandies* gauged at his expence, which costs him, according to the placart, or ordonnance, of the year 1704, for a piece of fifty verges, and under, three stivers; from one of fifty-one to seventy-nine verges, six stivers; and, for one of eighty and above, twelve stivers.

If the buyer finds the piece erroneously gauged, after he has emptied it, he may have it measured again, by a sworn gauger, who measures it with water; and, if there be any error found, the feller is obliged to indemnify the buyer.

Brandy, aqua vitæ, spirits, or distilled waters may be imported. 5 and 6 Will. and Mar. c. 2. f. 2.

Brandy, aqua vitæ, single or double, imported in casks not containing sixty gallons at the least, forfeited, or the value. 4 and 5 Will. and Mar. c. 5. f. 8.

Brandy, arrack, rum, strong-waters or spirits, imported in a vessel of the burthen of forty tons, or under (except two gallons for each seaman) forfeited, with the vessel, tackle, furniture and apparel, or their value. 12 and 13 Will. III. c. 11. f. 20. 5 Geo. I. c. 11. f. 1. 6 Geo. I. c. 21. f. 30. 8 Geo. I. c. 18. f. 1. 11 Geo. I. c. 29. f. 4. 2 Geo. II. c. 28. f. 1, 6.

After condemnation, such vessel to be burned, and the tackle, &c. sold to the best advantage. 5 Geo. I. c. 11. f. 1. 6 Geo. I. c. 21. f. 31. 8 Geo. I. c. 18. f. 2. 11 Geo. I. c. 29. f. 4. 12 Geo. I. c. 28. f. 15. 12 Geo. II. c. 28. f. 6.

But if found to be of service in the customs, may (together with the furniture, &c.) be used by the officers, after the feizer has been paid his share. 12 Geo. I. c. 28. f. 14.

Brandy, arrack, rum, spirits, and strong-waters, foreign and British exciseable liquors, may be seized only by officers of the customs and excise. 8 Geo. I. c. 18. f. 24. 11 Geo. I. c. 29. f. 4. 2 Geo. II. c. 28. f. 6.

Resisting officers, rescuing or destroying the liquors after seizure, penalty forty pounds. 8 Geo. I. c. 18. f. 25. 11 Geo. I. c. 29. f. 4. 2 Geo. II. c. 28. f. 6.

Brandy, rum, or other foreign exciseable liquors, after condemnation, to be publicly sold to the best bidder, at such places as the respective commissioners shall think proper. 12 Geo. I. c. 28. f. 1.

The feizer to be allowed one third-part of the full sum fold for, free from all charges of condemnation and sale. 12 Geo. I. c. 28. f. 2.

Brandy, and other exciseable liquors (except beer, ale, cyder, perry, and metheglin) brought coastwise, may not be landed before entry be made with the excise-officer of the port of importation, upon forfeiture of double the value. 15 Car. II. c. 2.

Brandy, arrack, rum, spirits, or strong-waters, exceeding the quantity of one gallon, may not be removed or carried from one part of this kingdom to another, either by land or by water, without a permit or certificate from an officer of the customs or excise, expressing the quantity and quality, and signifying that the duties have been paid, or that the same has been condemned; upon forfeiture thereof, and the casks or vessels containing it. 6 Geo. I. c. 21. f. 18.

Brandy, arrack, rum, spirits, or strong-waters. The seizures of such goods, whether British or foreign, by virtue of any act (except for unlawful importation, and the whole quantity exceeds sixty-three gallons) may be heard and determined by the commissioners of excise, if seized within the limits of the excise-office in London; and if out of the said limits, by any two or more justices of the peace, who are to cause the person, in whose custody found, to be summoned before them at a certain time and place; and upon appearance or default, are to examine into the cause, and proceed to give judgment for condemnation, and to issue out their warrants for the sale thereof; and such their judgment is to be final. 6 Geo. I. c. 21. f. 21.

If no person appears to the officer to claim the property of the goods within twenty days after such seizure, public

notice in writing must be affixed at the Royal Exchange, or given by proclamation at the next market-town, upon the next market-day after the expiration of the said twenty days, signifying the day, time of day, and place when and where the commissioners or justices respectively will proceed to hear and determine such seizure; and their judgments are to be effectual and final. 6 Geo. I. c. 21. f. 22.

For other circumstances, see ARRACK, COFFEE, GOODS INWARDS.

Brandy, French, landed before duty be paid or secured, forfeited; and the persons concerned therein, or concealing the same when landed, forfeit double the value. 1 Ann. c. 14. f. 2.

Officers of his majesty's revenue conniving at, concealing or illegally compounding for such importation, forfeit five hundred pounds, and rendered incapable. 1 Ann. c. 14. f. 2.

Any officer of the customs neglecting to seize and prosecute any vessel, boat, horses, other cattle or carriage, forfeited by any act for preventing the running of *brandies*, and being thereof convicted before a justice of the peace, is to forfeit fifty pounds, to be levied by distress, &c. by warrant from such justice; and for want of such distress, to suffer six months imprisonment. 6 Geo. II. c. 17. f. 12.

Penalties on hawking *brandy*, &c. 6 Geo. II. c. 17. f. 11.

Duties on retailers of *brandy*, &c. 9 Geo. II. c. 23. 10 Geo. II. c. 17. f. 8.

Occupiers of houses where *brandy*, &c. is retailed, deemed retailers. 11 Geo. II. c. 26.

Rescuing unlawful retailers of *brandy*, &c. or assaulting informers, transportation. 11 Geo. II. c. 26. f. 2.

Hawkers of *brandy*, &c. may be apprehended by any persons. 11 Geo. II. c. 26. f. 5.

Duties on retailers of *brandy*, &c. altered. 16 Geo. II. cap. 8.

Penalty retailing without licence. 16 Geo. II. c. 8. f. 9. 24 Geo. II. c. 40. f. 9.

Penalties to be regulated by the laws of excise. 17 Geo. II. c. 17. f. 16.

Offenders to be whipped in the house of correction. 17 Geo. II. c. 17. f. 17.

BRASS, a facitious metal made of copper fused with *lapis calaminaris*.

Brass, is to be fold in open fairs and markets, or in the owner's houses, on pain of ten pounds, and to be worked according to the goodness of metal wrought in London, or shall be forfeited. Also searchers of *brass* and pewter are to be appointed in every city and by head officers, and in counties by justices of peace, &c. and in default thereof, any other person skilful in that mystery, by oversight of the head officer, may take upon him the search of defective *brass*, to be forfeited, &c. by statute 19 Hen. VII. c. 6. *Brass* and pewter, bell-metal, &c. shall not be sent out of the kingdom, on pain of forfeiting double value, &c. 33 Hen. VIII. c. 7. 2 and 3 Edw. VI. c. 37. Duties on wrought *brass* imported. Stat. 4 and 5 Will. and Mar. c. 5. f. 2. See METAL.

BRASS is also a colour prepared by the braziers and colour-men to imitate *brass*. There are two sorts of it; the *red brass*, or *bronze*, as the French call it, and the *yellow*, or *gilt brass*. The latter is made only of copper filings, the smallest and brightest that can be found; with the former, they mix some ochre finely pulverized. They are both used with varnish. In order to make a fine *brass*, that will not take any rust or verdigrase, it must be dried with a chaffing dish of coals, as soon as it is applied.

The finest *brass-colour* is made with *powder-brass*, imported from Germany, and diluted into a varnish.

BRASS-FOUNDER. The boy intended for this business should have a strong constitution and a robust body, in order to endure the heat of the fire, and the fumes of the metal; besides the common education necessary to every body, it would be of advantage to him if he learned to draw before he went apprentice; for this would enable him when he set up as a master, to design for himself, and frequently to make his own moulds.

There are various sorts of founders: those who only cast for the braziers shops: others who cast buckles, studs, and bars

bars for the fadlers; those who cast for the coach-makers, and the like; but all work upon the same principles, and only apply themselves to particular branches, because they are not furnished with moulds for other articles: thus the founder who cast knockers, bras knobs, candlesticks, sconces, branches, &c. is furnished with moulds and instruments proper to these articles; but if he is desired to cast escutcheons for a chest of drawers, he cannot do it: not that he is ignorant of the manner; but because he must make a mould for that purpose, which is not worth his while, unless he had a greater demand for them. It is a profitable business for the master; and a journeyman earns about fifteen shillings a week.

BRATOFFICNA is a village near to Muscow, on the side nearest to Archangel, where commissioners are established to examine all goods destined for Muscow, which after being searched, and the lead here put on them, are no more disturbed till their arrival at that city.

BRAZIER. The work of the *brazier* requires strength and ingenuity, as they form all the vessels of bras and copper that are beaten out and rendered hollow by repeated strokes of the hammer; such as porridge-pots, tea-kettles, sauce-pans, frying-pans, warming-pans, &c. They also make use of fire; but it is only in soldering and tinning their vessels. It is a dirty laborious business. A master may set up with about a hundred pounds, and usually has ten pounds with an apprentice; who, if he happens to be a good hand, may earn about fifteen shillings a week.

The *brazier*, who keeps shop, not only sells every thing made by the *working-brazier*; but many of the articles made by the bras and iron founders, and the smiths. In his shop we find stove-grates of all fashions; fenders, shovels, tongs, and pokers of polished iron, steel, or bras; candlesticks, snuffers, smoothing-irons, box-irons and heaters; locks of all sorts; hinges of various kinds, and different materials; French plate, finely enamelled waiters, and snuff-boxes.

The *brazier*, who keeps such a shop, neither makes, nor is supposed capable of making all the different articles he exposes to sale: it is sufficient that he is so much of a *working-brazier* as to be a judge of all the works of that kind; and so much of a founder, smith, and enameller, as to know when goods are turned out in a workman-like manner. He generally purchases his goods of the masters of the several classes, and his profit arises from the difference between the buying and selling price. A person who keeps such a shop, ought to be acquainted with many mechanic arts; he should be well versed in accounts, and ought to have seven or eight hundred pounds at least to stock a shop handsomely. He has seldom less than twenty pounds with an apprentice.

BRAZIL, a territory in South-America, belonging to the Portuguese, is bounded on the east by the Atlantic Ocean, on the west by the land of the Amazonas, on the north by Terra-Firma, and some part by the same ocean, and on the south by Paraguay and another part of the same ocean.

Mr. Nieuhoff, who resided some years in *Brazil*, and one of the latest that hath wrote of it, informs us, that it is excellently well qualified for the producing of all things that are generally found to grow in the West-Indies about the same climate; but, in his time, had neither mines of gold or silver worth taking notice of, at least none such had then been discovered there. However, with regard to the gold mines, we have been since informed, that they have found some considerable ones, from which they get plenty of that metal, and with much more ease than they do in those of Peru, &c. (*Rogers.*) But the riches of this country, are those of diamonds, so large and beautiful, that the king of Portugal hath forbid them to be digged, to prevent the excessive fall of the price of that so much valued commodity. Nieuhoff likewise extolls the convenience of its situation for trade, and its many noble rivers and commodious harbours for shipping: to which he adds, that though it be under a very hot climate, viz. between the line and the tropic, yet its excessive heat is greatly allayed by the east winds from the ocean; which, being interrupted by neither islands nor mountains, blow so full and pleasant upon it, that it is altogether healthy and delightful, and free from those distempers which commonly rage in the countries of the same latitude, as in

Guinea, Angola, &c. where those sea-breezes have not the same free passage. The plague is a thing unknown in *Brazil*, though the inhabitants are not free from some putrid fevers, occasioned by the heat and moistness of the air; as well as by the excessive use of fruit. Sugar and tobacco are their principal commodities; and these they have in great plenty, and are inferior to none in quality, more especially their tobacco, if kept till it be old; for, when too new, it is strong and intoxicating: and this is, perhaps, the reason why the commerce of it here is so inconsiderable, except in snuff, to what it is in other parts of America. Other commodities of this country are, amber-grease in small quantities, rosin, train-oil, sweet-meats in great abundance, hides, ginger, indigo, and especially the most excellent balsam, called capivi, besides vast quantities of *Brazil-wood*.

The chief commerce of the Portuguese consists in that from Europe to the *Brazil* colonies; which, since the Dutch quitted them in 1654, their trade thither is so surprizingly encreased and improved, and they are become so strong and populous there, especially since their discovery of the gold mines, that they have advanced their commerce to more than twenty times the value of what it was in these days.

This encrease of their trade adds a very great encrease to the wealth, and consequently to the strength of their government, as well as to that of their private merchants; for it has been estimated from a reasonable computation, that the revenue of the king is so advanced by this trade, that it does not amount to less than two millions sterling annually in gold, besides the customs of the merchandizes imported from thence. As the return is thus enlarged from the *Brazils*, especially in gold; so the export of all sorts of manufactures from Europe is encreased to such a degree, as is not easy to say, chiefly occasioned by the excessive confluence of people to those colonies, as well from other countries as from Portugal.

The principal exportation of European goods to the *Brazils*, is as follows, viz. Woollen manufactures of Great-Britain, such as fine broad medley cloths; Spanish cloths, dyed scarlet, crimson, and black; ferges and durosses, druggets, and sagathies; shalloons and camblets; Norwich stuffs; Colchester bays dyed black; faves and perpetuanas, called long ells; hats, stockings, and gloves. Linen manufactures of Holland, Germany, and France, especially fine Hollands, bone-lace, and fine thread. Silk manufactures from France and Genoa. Paper also from both, &c. Likewise lead, iron, block-tin, copper, and bras from England, wrought and unwrought, but especially of the wrought-iron, bras, and pewter, a very great quantity as well as variety.

These exportations exceedingly add to the trade of Portugal for the *Brazils*, and encrease that trade so much, that whereas twelve ships a year from thence were usually the bulk of their commerce, they now receive three fleets; that is, from three particular ports, and these sometimes twice a year: so that, their commerce thither, at present, generally employs above a hundred sail of ships a year.

This will be allowed, we may suppose, a considerable sign of the encrease of the commerce of the country.

But to this may be added, the encrease of the returns from the *Brazils*: which, though they are still confined to the same chief articles as formerly, namely, sugar, hides, tobacco, and *Brazil-wood*, are yet so encreased in quantity, that they have near four times as much of those goods brought from thence every year as they usually had.

This advance of the Portugal trade, by means of their *Brazil* colonies, has improved their shipping, encreased the numbers of their seamen, and not a little the credit of their whole country.

The ships for the *Brazils*, being under the orders of the government, have their seasons of going out appointed them, and are obliged to go in fleets; nor can any ship go single, or at any other time than with the fleets, but by a special licence from the king, and that is very rarely granted. The seasons for their going are these:

The fleet for Rio de Janeiro goes out in January.

The Bahia, or the Bay of All-Saints, in February.

For Fernambuco in March.

The Portuguese having various considerable settlements in Africa, they carry from thence every year a very great number

number of slaves to the *Brazils*; and, as their colony there is exceeding great and populous, as well as rich, were it not that they have such extended settlements on that coast for the supply of negroes, it is thought by some, that they would not be able to carry on their sugar-works, their mines, and other planting business in the *Brazils*, where the slaves are not long-lived. See *PORTUGAL*.

BRAZIL-WOOD. Thus called, because it came at first from *Brazil*, a province in South-America.

It is differently furnished, according to the several places from which it is imported: thus there is the *Brazil-wood* of Fernambuco, or Pernambuco, the *Brazil-wood* of Japan, that of Lamon, that of Santa Martha, and lastly, the *brazillet*, which is esteemed the worst. This last comes from the Antilles Islands.

The *Brazil-wood* of Japan is otherwise called *Japan*: distinguished into large and small.

The tree of the *Brazil-wood* grows commonly in dry barren places, among rocks. It becomes very thick and tall, and pushes out long branches; but though the trunk of this tree be very thick, yet it is covered with so gross a bark, that, when the savages have taken it off from the wood, a trunk, which before was as thick as a man's body, remains, as it were, a log not bigger than his leg.

The *Brazil-wood* is very heavy, very dry, and very hard; it crackles very much in the fire, and emits hardly any smoke, because of its excessive dryness.

None of those different sorts of *Brazil-woods* have any pith, except that of Japan: that of Fernambuco is reckoned the best. It must be chosen in thick pieces or logs, heavy, compact, very sound, without any part of inner bark upon it, and without the least rottenness, and such, as after splitting it, from pale becomes reddish; and being chewed, has a sweetish taste, like sugar.

This wood is proper for turner's work, and takes a good polish: but its chief use is for dyeing, where it serves for a red colour. However, it yields but a spurious colour, which fades very soon.

From the *Brazil-wood* of Fernambuco, they extract, by means of acids, a kind of ermine: they also make of it a liquid lacca for painting in miniature. And, with a tincture of this wood often repeated, they make that reddish chalk, which is called *rosetta*.

Some pretend that a decoction of this wood, that is, of the heart, is good for pains in the stomach, that it strengthens it, and that it is even used with good success in some agues. *Voyages du Chevalier des Marchais, tom. i. p. 91.*

BRAZING, the folding or joining two pieces of iron, by means of thin plates of brass melted between the two pieces to be joined.

If the work be very fine, as when the two leaves of broken saws are to be joined, it is covered with beaten horax, moistened with water, that it may be incorporated with the brass dust, which is here added: and the piece is exposed to the fire without touching the coals, till the brass be observed to run. Lastly, to braise with a still greater degree of delicacy, they use a folder made of brass, with a tenth part of tin; or another, one-third brass, and two-thirds silver; or borax and rosin; observing, in all these methods of brazing, that the pieces be joined close throughout, the folder only holding in those places that touch.

BREAD, is no commercial article, but it is necessary to inform our readers, that all former laws relating to the assize of *bread*, are, from the 29th of September, 1758, repealed; when an act was passed, 31 *Geo. II.* for the due making of *bread*, and to regulate the price and assize thereof, and to punish persons who should adulterate meal, flour, or *bread*. This act was further explained and amended by an act passed 3 *Geo. III.*

BREAD-ROOM, a sea-term: it is a place contrived in a ship's hold, generally towards the stern, boarded about, and plaitered over to keep the bread or biscuit. The boards must be well joined and caulked, and even lined with tin plates, or mats. Before the bread or biscuit is put into them, they must be well warmed with charcoal during six days and six nights, that the bread and biscuit may be kept very dry, nothing being more injurious to them than moisture is, wherefore care must also be taken not to put them on board, but in clear dry weather. There are also such rooms for powder, and sometimes for cheese, especially in Dutch ships.

BREAKING, in a mercantile file, signifies the not paying one's bills of exchange accepted, or other promissory notes, when due; and absconding to avoid the severity of one's creditors. See *BANKRUPTCY*. We also use the work *failing* in the same sense.

BREAKING Bulk, a sea-term, which signifies beginning to unlade a ship's cargo.

BRECKNOCK HIRE, in Wales, is bounded with Radnorshire on the north, from which it is divided by the river Wye; Herefordshire on the east; Monmouthshire on the south-east; Glamorganshire on the south and south-west; Caermarthenhire, and part of Cardiganshire, on the west. Hence are sent great herds of cattle every year to England, from the mountains.

Brecknock, a borough-town, situate on the river Usk, has some share in the woollen manufacture.

Bealt has a considerable manufacture of stockings.

BREECHES-MAKER. Those of this trade have within the last twenty years greatly encircled in reputation and business; from the great improvements they have made in leather breeches, by causing them to be dyed of all colours, and fitting them to the part they are intended to cover, with as much neatness as the most expert tailor: so that they now appear as handsome as cloth, with the advantage of being softer to the touch, and more durable. Hence the masters live more genteely than formerly, and yet save money. It requires little strength of body; but some ingenuity is necessary, especially in cutting out the leather to advantage, and to fit exactly the customer. The masters take ten pounds with an apprentice; and the journeymen, whose work-hours are from six to eight, earn twelve or fifteen shillings a week.

BREMEN. The dutchy of *Bremen* has the *Wefer* on the west; the *Elbe*, and part of *Lunenburg*, on the east; the *German-Sea* on the north; and part of *Verden* and *Oldenburg* on the south. The situation of this country between the two navigable rivers, the *Elbe* and *Wefer*, has turned the thoughts of the people in general to trade. This country, with *Verden*, which was conquered by the king of Denmark in 1712, and then taken from the Swedes, was mortgaged to the elector of Hanover, king George I. who, in 1715, had two hundred and fifty thousand pounds granted him by his parliament, to enable him to make a purchase of it. There was a great opposition made to this in both houses, and a clamour raised without doors. The legislature wisely judged it might be of dangerous consequence to the crown of Great-Britain, that any foreign prince, especially a maritime power, should hold the key, which the king of Denmark then had, of the *Elbe* and the *Wefer*. Any one who takes the pains to peruse the maps of this part of the empire, will perceive that, whilst that king was in possession of *Bremen* and *Verden*, he was master of the sea-coast from Denmark almost to the seven provinces. The maps shew that the *Elbe* runs for above five hundred miles, through Bohemia, Saxony, Brandenburg, and the rest of Germany; and that the *Wefer* passes, for about two hundred and fifty miles, through Hesse, Westphalia, Oldenburg, and some other countries of the empire; and the vast importance of those rivers to our trade will be confessed by every one who considers that all our woollen, and other English manufactures, and almost all our commodities, both domestic and foreign, to the value of many hundred thousand pounds a year, are, by those streams, conveyed to innumerable markets; and that, by the same navigation, a great part of our riches flows continually home to us; a trade too precious to have lain at the mercy of any foreigner, either to lock it up from us, or to lay what imposition he pleased on it, as might have been the case, if king George I. had not got *Bremen* and *Verden* out of the hands of the king of Denmark.

Boxtebude, situate in a pleasant country, is so fruitful as to be reckoned one of the granaries of Hamburg.

Stade has a good trade; and, besides its having been a free imperial city, and one of the *Hans-towns*, was formerly endowed with great privileges, particularly with a right of toll for ships passing up the *Elbe*; but became so poor by Hamburg's out-stripping it, that it was forced to sell its stock to that city. However, after this its decay, our English merchants, upon some disgust taken at Hamburg, removed hither, which revived its trade, so that it again became rich and populous, and is in good condition.

tion at present, though the English returned to Hamburg. Here is a large and commodious haven, that will admit larger ships than Hamburg; and, as it stands fairer for trade than *Bremen*, and thirty miles nearer the sea, it is strange that it has not more engaged the attention of the ministers of the electorate.

At the mouth of the Schwing is *Brunshufen*, a fort, where our king has a considerable toll, all the ships, except the Hamburgers, that come up the Elbe out of sea, being obliged to stop here, and give an account of their lading; for which, when they come to Hamburg, they must pay a certain duty to a comptroller, placed there by the government of Hanover: and an English man of war, of twenty-four guns, rides at anchor on the Elbe, at the entrance into the Schwing, in order to oblige them to bring to; which vessel is of great service also to the English trade and navigation in those parts, for preventing clandestine practices, and preserving the rights and freedom of our commerce.

The chief trade of *Bremerfurd* is by passengers between *Stade* and *Bremen*.

Ritzbottle is a bailiwick belonging to the Hamburgers. Here they have a pretty good harbour, called Cuxhaven, which is of great benefit to ships coming on the Elbe in the winter, when the river is full of ice. Here, likewise, their ships often stop at their arrival from long voyages, for orders and news, and to know whether all is well with the city, before they venture up. Here are their privileged pilots, who, by their statutes, are obliged to have a yacht always at sea, near the outermost buoy, ready to put a pilot or two, as occasion shall require, on board of every ship coming into the Elbe. But, notwithstanding this is one of the most dangerous rivers in Europe to come into, as all the ships coming to Hamburg are obliged to pay half-pilotage, whether they have a pilot, on board or not, they are seldom at sea but in good weather, when they are least wanted, which has occasioned the loss of many a rich ship within the river.

Bremen is a great, populous, and flourishing town, a free imperial city, and the third in rank among the Hans. It had several privileges granted it by the emperor Winceslaus, one of which was, that no goods were allowed to go down this river and pass this city, without being first landed here. The inhabitants have the privilege also, of fishing from the bridge of Hoy, four German miles above *Bremen*, down to the sea; as likewise in the rivers Hunte, Ochum, Wemme, and Seefum, which flow into the *Wefer*. The city is well supplied with fish, both from its rivers and the sea, and they have every month several fairs in season. Among others they catch great quantities of salmon and lampreys; the former of which being dried and smoked, and the latter pickled, are in great esteem throughout Germany. Charles V. gave them the right of coinage. The river *Wefer*, which is navigable about thirty miles from the sea, runs through it; but the river is not navigable for ships of burthen farther than *Fegeßack*, six miles below the town, where is a custom-house, and where all ships which come out of the sea, or are outward bound, load and unload: nor does this river ebb or flow farther; so that all goods are brought up from thence in flat-bottomed vessels. It has a considerable trade to England, especially with all sorts of Westphalia linens, and sends several ships, particularly to London, every year; here being a great consumption of the English woollen manufacture, which they receive not only directly from England, but chiefly by way of Hamburg and Holland, and disperse again through the whole circle of Westphalia. It sends ships, likewise, to France, Spain, Portugal, and Italy, and a good number to Davis's Straights. It has also a considerable in-land trade, particularly to the great fairs and marts in Germany, to which, among other goods, it sends large quantities of calicoes and sugar, printed and refined here, though not to that perfection as at Hamburg. Its beer is very much esteemed in Germany, and therefore exported in large quantities. Its other commodities are, minerals, timber, corn, cattle, and leather, in dressing of which, and cloth, they are very expert; so that both are sent hither for that purpose from other countries.

Its duties upon importation and exportation are very low, which is a great encouragement to its trade, and gives *Bremen* an advantage over the Dutch in the countries be-

tween this city and their republic. It is reckoned, in short, the next port to Hamburg in the whole empire for commerce; and, in time of war, it also fits out ships of force, to convoy their merchantmen. It generally sends twenty-five or thirty ships a year to the whale fishery in Greenland, and their harpooniers, being esteemed the most expert in all the country, are frequently hired, both by the Dutch and English. In fine, it cannot but be a very flourishing city, after having enjoyed a perfect neutrality during several wars, between the northern, and other powers of Europe. Here is a council of trade.

BRENTA, a liquid measure used at Rome; it contains ninety-six boccales, or thirteen rubbias and a half.

BRETAGNE. The products and manufactures of this province, are, 1st. Salt, of which is annually made in the parish of Bourneuf, from sixteen to seventeen thousand maids, and in that of Guenrande, or Croisic, from twenty to thirty thousand. 2dly. Butter, in the bishopric of Nantes. 3dly. Wines, more especially those on the river of Nantes, and these mostly distilled into brandies, to the amount of about seven hundred pipes *per annum*. 4thly. Corn, (particularly from the bishopric of Vannes) of which, in a good year, after a sufficient provision made for the province, six thousand ton of wheat, and nine thousand of rye, may be exported for Spain. 5thly. Hemp and flax, principally cultivated in the bishopric of Rennes, Treguier, Leon, and Dol, and sold in threads, stockings, socks, gloves, and cloths, to a very considerable value. 6thly. Iron, (for which here are several forges in different parts) lead, coal, and paper. 7thly. Pilchards and mackarel; whose fishery is carried on from Port Louis, Belisle, Concarneau, Andierne, and sometimes from Breft. 8thly. Woollens, such as estaminas, druggets, serges, flannels, crapes, and some ordinary small cloths, made at Nantes, Rennes, Bourg, Dinan, St. Brieux, Lamballe, Chateaubriant, Nozay, Redon, Joffelin, le Guay de Pelant, St. Croix, Auvray, Vannes, Malestroit, Rochefort, Chateaufort, Longonna. and Hervillac, to the value of about

Livres 40,000

And we shall here re-capitulate the aforesaid commodities, and set down what those carried out of the province may yearly amount to.

Linens of all sorts, to the value of	12,000,000
Threads, crude, whitened, and coloured, to the value of	1,000,000
Paper of different sorts	200,000
Honey and wax	600,000
Butter	100,000
Horses 1,000,000, oxen 350,000, hogs 100,000, and sheep 40,000, in all	1,490,000
Grain 100,000, salt 1000,000, fish 50,000, and game 10,000, in all	260,000
Poultry 14,000, hides and skins 60,000, wines and brandies 80,000, in all	154,000
Hemp, tow, and cordage 150,000, old rags 10,000	160,000
Hair and flocks 10,000, staves 15,000, and wood for building and fuel 230,000	255,000
Iron for anchors 10,000, cards 6,000, tallow and greafe 100,000	116,000

Livres 16,375,000

BREWERS are to put their drink in vessels marked by a cooper, or forfeit three shillings and four-pence a barrel; and not selling it at reasonable rates appointed by justices of peace, incur a forfeiture of six shillings for every barrel, kilderkin three shillings and four-pence; &c. by statute 23 Hen. VIII. c. 4. And brewers are to make an entry at the excise-office once a week of liquors brewed, under penalties, &c. 12 and 15 Car. II. 7 and 8 Will. III. If brewers mix any sugar, melasses, &c. in brewing beer or ale, they shall forfeit twenty pounds. Stat. 1 Ann. c. 3. f. 2. 2 and 3 Edw. VI. c. 15. 1 Will. and Mar. c. 24. 11 Will. III. c. 21. 9 Ann. c. 12. 12 Ann. Stat. 1. c. 2. Brewers, &c. not to act as justices of the peace. 24 Geo. II. c. 40. f. 22. 26 Geo. II. c. 13. f. 12. See ALE, BEER, EXCISE.

The youth designed for this business ought to write a good hand, to be well versed in accounts, to understand gauging, and to be possessed of a handsome fortune. The

brewery

brewery is a very flourishing trade, divided into several branches; as that of brown, or butt beer, and common ale, which is by far the largest; that of pale ale, commonly called two penny; and that of table-beer; in brewing of which many carry on large brew-houses. The whole art to be acquired, consists in experience in the manner of working, in being a judge of the goodness of the malt and hops, and in the constant attendance of those who have the direction from the mash-tun to the store-cellar: but the apprentice will have little labour; all the dirty heavy work being done by labourers, who have ten shillings a week and their small-beer.

The sums given with an apprentice are from fifty to three hundred guineas, according to the reputation of the master in trade. When the apprentice is out of his time, he either sets up for himself; is taken in partner, and has a share in the business, in proportion to the cash he is able to adventure; or serves as a *brewer's* clerk; few of whom have less than fifty pounds a year, and some two hundred pounds. The sums necessary to set up a London *brewer* are from two thousand to ten thousand pounds.

BREWING, the operation of preparing ale, or beer, from malt. The usual process of *brewing* is as follows: a quantity of water being boiled, is emptied into the mash-tub, and as soon as the vapour is spent, the malt is poured upon it. But it must not be stirred till the malt has settled gradually, and the liquor, on pressing it down with the hand, appears above it. Then it must be stirred well, and covered close with sacks, &c. continuing undisturbed for half an hour.

This wort being drawn off into the receiver or under-back, it is mixed with hops, and the mash-tub is to be filled again with boiling liquor out of the copper; then the wort mixed with hops is returned into the copper, and boiled an hour for strong ale, if to be drank new, and an hour and half, if to be kept some time, always taking care to make the wort boil reasonably fast; for if it simmers long, it will waste more, and ferment worse. The wort thus boiled with the hops, is conveyed through a sieve or flannel bag, into the coolers, which should always be shallow: for the thinner the wort stands, especially in hot weather, the better. From the coolers it is drawn off into the tun very cool; for in summer let your wort be as cool as water, and in winter only blood warm, when you set it to work.

When the wort is cool enough for the fat, a little yeast is mixed with a sufficient quantity of warm wort to make it ferment in the hand-bowl. And this fermentation is put into the working-tub, and when it has raised a thick yeast or scum upon the wort in the fat, it is mixed again with the hand jet, or bowl. When it is sufficiently fermented in the fat, it is put into vessels, and there suffered to ferment a few days longer, after which the vessels must be flopped close, and not opened till fit to drink.

BRICKS, are a fat, reddish earth, formed into long squares, by means of a wooden mould, and then baked or burnt in a kiln.

Bricks are of great antiquity, as appears from sacred history, the tower of Babel being built with them.

Bricks should not be made of sandy earth, because that will make them both heavy and brittle; nor must the loam be too fat, which will make them crack in drying; they should also either be made in spring or autumn.

Oil of bricks, is olive oil imbibed by heated *bricks*, and afterwards distilled in a retort.

Bricks, are to be made between the first day of March and the 29th of September, and shall be burnt either in kilns, or distinct clamps, &c. Also *place-bricks*, when burnt, must not be less than nine inches long, two inches and a half thick, and four and a quarter wide, on pain of forfeiting twenty shillings a thousand, &c. Searchers of *bricks* and tiles shall be appointed by justices of peace in their quarter-sessions, who are to make presentations, and may be fined ten pounds for defaults. Combinations to advance the price of *bricks*, ingrossing them, &c. incurs a penalty of twenty pounds, and mixing mould, soil, or mud, with *brick* earth, is liable to penalties. *Statute* 12 Geo. I. c. 35. 2 Geo. II. c. 15. But *bricks* may be made of *brick* earth and sea-coal ashes sifted, not exceeding a certain quantity; and cinders or breeze may be used with coal in the burning of *bricks*, and *flock-bricks*, and

place-bricks may be burnt in the same clamps, being set in distinct parcels, &c. by 3 Geo. II. c. 22. What quantity of *bricks* may be carried in one load in London, 6 Geo. I. c. 6. *Bricks* and tiles may be carried as ballast. 6 Geo. I. c. 29. s. 20.

For the more effectual securing the observation of these laws, it was enacted by 12 Geo. I. c. 35. and for the better discovering of offenders, that the master and wardens of the company of tilers and bricklayers should have power to search brick-kilns, &c. but they having permitted, and even encouraged, divers persons to make *bricks*, contrary to the directions in the said act; by 2 Geo. II. c. 15. they are divested of that power; and any two, three, or more persons, appointed by the justices of the peace, are empowered, within fifteen miles of London, to go in the day-time, into any grounds, sheds, or places, where any clay or earth shall be digged or digging, for *bricks* or pantiles; or any *bricks* or pantiles shall be making, or made for sale, and there to view, search, and inspect the same, &c. Offenders to forfeit twenty shillings for every thousand of such tiles or *bricks*: one moiety to the use of the prosecutor, the other to the poor of the parish where the offence shall be committed.

BRICKLAYER. The previous qualifications of a boy designed to make a figure as a *bricklayer*, are more considerable than is generally imagined. He should have a good genius, and before he is put apprentice, should learn, not only arithmetic, but be taught trigonometry, geometry, and drawing, and after his being bound, should spend some time in the study of architecture, in order to know the just proportion of doors, windows, arches, &c. Indeed the common work of the *bricklayer* is merely ranging his *bricks* with great truth on each other; but, by such an education as is here recommended, he will be enabled to draw plans, and to survey and estimate buildings, an essential part of the business of a master. The *bricklayer* takes with an apprentice from five to twenty pounds, according to the degree of business he is in. The common wages of a journeyman are two shillings and six-pence or three shillings a day; but as they work in the open air, they are obliged to be idle several months in the year. A master may set up with one hundred pounds; but if his business encreases fast, he will soon employ six times that sum. He is paid by the employers so much for every yard of brickwork, either with or without the materials, and his is a very profitable business, if he works for others; and therefore he is under the less temptation of launching out into building projects of his own, by which *bricklayers* are frequently ruined.

BRICK-MAKER. The making of bricks and tiles is performed at many places about London, where the masters rent clay-grounds for that purpose; but the poor boys hired to assist the men, learn one part of the business after another, till they understand the whole, and become journeymen; when they are paid by the thousand, according to the sorts they make; there being ten or a dozen different kinds of bricks and tiles. These journeymen, if good hands, are said to be able to get four or five shillings a day in dry weather; but when it is wet or frosty, they are obliged to stand still. It is a profitable business to the master; few of whom employ less than five hundred pounds in it.

BRIDLE-CUTTER. This is a business set up to serve the sadler, in the same manner as the leather-cutter is set up for the service of the shoe-maker; and his business differs from that of the leather-cutter (who cuts out and retails the leather for shoes) in his cutting out and selling only the leather for saddles and bridles to the sadler who makes them up. This business requires no great genius in the youth who is to be put apprentice to it, nor any extraordinary education. But as the masters are obliged to give credit, they ought to have two or three hundred pounds to enable them to carry on trade.

BRIDLINGTON. See **BURLINGTON**.

BRIDPORT. By 8 Geo. I. c. 11. s. 1. The havens and peers of *Bridport*, in the county of Dorset, may be rebuilt, and sluices made, with convenient wharfs; the bailiffs and capital burghesses of *Bridport* shall be trustees for the said purposes; and at *Bridport-mouth*, being an open piece of land, lying between the east and west cliffs, and from the sea northward as far as Irepool, on which ground the

the ancient harbour was, may lay out the new intended harbour and piers, and the sluices, wharfs, and landing-places, and the ways to the harbour.

Sec. 4. There shall be paid to the collector, to be appointed as herein after-mentioned, for every weight of salt, for every last of wheat, rye, barley, malt, or other grain, for every chaldron, Winchester measure, of coals and culm, and for every ton of other goods discharged out of any ship in the said haven, or which shall be exported from thence, one shilling, to be paid before the same be landed; and there shall also be paid for every ship of the burthen of ten tons or upwards, which shall come into the haven, two-pence for every ton such ship, &c. shall contain; which duties shall be paid by the master, &c.

Sec. 7. When the harbour and piers shall be rebuilt, and the monies expended thereon reimbursed, the duties shall cease; and from thenceforth shall be paid to the collectors for every weight of salt, for every last of wheat, rye, barley, malt, and other grain, for every chaldron of coals and culm, Winchester measure, and for every ton of other goods, discharged in the said haven, or exported, six-pence; and for every ship, &c. which shall come into the haven, one penny per ton, and no more.

BRIMSTONE, may be imported. 16 *Car. I. c. 21.*
To what duties liable. 2 *Will. and Mar. sess. 2. cap. 4. sec. 51.*

BRISTLE, the strong hair standing on the back of a hog, or a wild boar.

Hog-bristles are put to several uses, particularly in making several sorts of brushes: they are commonly sent in barrels or hogheads, in parcels of several sizes, which are sold by the weight.

Wild boars *bristles* are much stronger than hogs, and are much more valued, but then they are also much dearer. Shoe-makers, harness-makers, saddlers, and others, use them, putting one of them as a needle, or awl, at the end of their thread, to sew their work.

There is a great deal of this commodity imported from Muscovy and Livonia, by the way of Hamburg and Holland; whence it is sent away in small parcels tied in the middle, and put in little deal boxes about a foot long, and two or three inches broad: it is commonly sold by the weight.

To what duties liable. 4 *Will. and Mar. c. 5. s. 2.*

BRISTOL, a great city, famous for trade. The mayor, burgesses, and commonalty of the city of *Bristol*, are conservators of the river Avon, from above the bridge there to Kingroad, and so down the Severn to the two islands called Holmes; and the mayor and justices of the said city may make rules and orders for preserving the river, and regulating pilots, masters of ships, &c. also for the government of the markets: and the streets are to be kept clean and paved; and lamps or lights hung out at night. *Stat. 11 and 12 Will. III. c. 23.* No person shall act as a broker in the city of *Bristol*, till admitted and licensed by the mayor and aldermen, &c. on pain of forfeiting five hundred pounds; and those who employ any such to forfeit fifty pounds, &c. by *stat. 3 Geo. II. c. 31.* By the *stat. 22 Geo. II. c. 20* 28 *Geo. II. c. 32.* 29 *Geo. II. c. 47.* the *statute 11 and 12 Will. III.* is rendered more effectual, so far as relates to the paving and enlightening the streets; and divers regulations are made in relation to the hackney-coachmen, halliers, draymen, and carters, and the markets, and sellers of hay and straw, within the said city and liberties thereof.

BRITAIN, or GREAT-BRITAIN, or the BRITISH EMPIRE, is constituted of the three kingdoms of *England*, *Scotland*, *Ireland*, and the several plantations of *America*, thereunto belonging; and their united trade does jointly contribute to form that commerce, which the subjects of the British crown carry on, whether domestic or foreign.

The commodious situation of our country, both for long and short voyages; the many excellent ports proper for the construction of an infinite number of vessels built there; the ability and intrepidity of our pilots and sailors; a soil fertile in fruits, corn, and pasturage; our hills enclosing diversities of metals, and minerals; cattle of all sorts; and more especially the sheep producing those precious wools, of whose exportation we are justly so jealous; manufactures of almost every species, and the greatest part of them superior to those of other countries; our colonies

so well established in the new world; and our settlements so rich and flourishing in the East-Indies, give us at least as much, as to any other nation, wherein to prove our genius for trade, and demonstrate that we have not been idle in it.

Voltaire, in his tenth letter concerning the English; says, that trade which has enriched them, has contributed to make them free; and that this freedom has in its turn extended their commerce.

This proves that the fundamental maxim of our country is a very just one, viz. that trade is the nursery of sailors, that sailors are the soul of the navy, that the navy is the security of commerce, and that these two united, produce the riches, power, and glory of Great-Britain.

Under Henry VIII. the trade and navigation of these kingdoms began considerably to augment, and has since always gone on encrassing. We then engaged in a considerable commerce to the Levant, and made frequent voyages to Guinea and Brasil; but the English were not sensible of what they were capable in commercial affairs, till towards the middle of queen *Elizabeth's* reign, whose protection and encouragement animated her subjects to the formation of different trading companies, and the establishment of divers manufactures in her capital, on the ruins of those of the Low Countries, which rendered the traffic of England so flourishing as to have it soon carried to Archangel, and extended to all the ports of the Mediterranean. It also reached the richest coasts of Africa, as well as the East and West-Indies, and there took such a deep root, and was settled on such solid foundations, as to remain unmoveable, and to stand in less need of aggrandizements, than of moderation.

Although our domestic trade is very considerable, and of great advantage to the inhabitants, the foreign vastly exceeds it; and it is not because that England cannot subsist without it, (Providence having abundantly blessed us with every necessary of life) but as foreign trade occasions an employ for all sorts of artists, furnishes work for the poor, and augments our manufactures, proving an efficacious means of enriching the nation, strengthening the state, and rendering it formidable to the neighbouring powers, that we are animated to engage so deeply in it.

It is for this that the English spread their traffic to all parts of the world where any is carried on, and there is no nation under the sun that drives so great a trade with their own products and merchandizes. This renders us powerful in our marine, augments the number of our sailors, enriches our people, and procures us all that the universe can furnish to satisfy the imagination, or content the appetite. In a word, it is by a foreign trade that England is become the support of its friends, and the terror of its enemies; and whilst the commerce of our neighbours, the Dutch, consists chiefly in the transportation of merchandizes (not their own) from one country to another, ours is principally furnished and supported by the redundant products of our soil and industry.

In this manner we traffic, I mean with things of our own growth and manufacture, not only to all parts of Europe, but to Asia, Africa, and America, and most in our own ships, which we chuse rather to employ, as well in all exportations as importations, than to encourage strangers coming among us, to rob us of those freights we are so capable of supplying by our own marine; for the encouragement of which, and in order to encrease its interest, our well-adapted laws secure this branch of trade to us, by a restraint on all strangers in their traffic with us; and though we may justly assert this nation consumes more foreign merchandizes than any other whatsoever, yet it has been proved beyond contradiction, that the balance of trade is in our favour, and we hope will be much more so, since the prohibition of cambricks and the great increase of the linen manufactory.

Our trade, as that of all other kingdoms, is composed of inland and maritime, though with great difference in regard to the profits it leaves, as our foreign trade certainly exceeds that of any other state in the world, in the three articles of which it consists, viz. exportation, transportation, and importation; France can pretend to little more than the first of these; Spain, Italy, and the two northern crowns to the first and third; and Holland only vies with us in the second.

Our country furnishes the exporting branch of commerce with butter, corn, cattle, cloth, and many other woollen manufactures, iron, lead, tin, copper, leather, copperas, coal, allum, saffron, &c.

The neighbouring kingdoms have many times owed their preservation to our supplies of corn, and our horses are generally esteemed for their beauty, strength, and going; neither our fleets nor strangers want any foreign supplies for their victualling, having abundance of beef, pork, bisket, and fresh provisions, always ready, besides quantities carried to the European and West-Indian markets.

Our iron is exported manufactured in guns, carcasses, bombs, &c. and our cloths and woollens are sent to most parts of the world, though not in those quantities as formerly; many princes having settled manufactories of their own, to the no small prejudice of ours; and the value of our exports in the articles of cloth, northern dozens, rashes, kerfies, bays, serges, flannels, perpetuanoes, says, stuffs, frize, pennystone, stockings, caps, blankets, rugs, &c. we fear do not exceed the two millions *per annum* that Dr. D'Avenant and Mr. King supposed some years ago they amounted to; according to their calculation, that the yearly produce of wool in England was about two millions sterling, and this worked up to import eight millions; of which they computed, six millions for home-consumption, and the other two for exportation.

The other exports from hence, of hops, flax, hemp, hats, shoes, ale, beer, cyder, herrings, pilchards, salmon, oysters, saffron, liquorice, optic-glasses, and mathematical instruments, works of horologigraphy, ribbons, toys, &c. are prodigious, and of a value almost incredible.

The vestments, shoes, hats, and household stuffs, carried from hence yearly, only to America, is supposed to be worth at least two hundred thousand pounds. This must amount to a much larger sum since the conquests from the French in America.

England produces yearly five million chaldrons of sea-coal (and the mines would furnish much more if wanted) near a million and a half pounds of tin, a thousand foddors of lead, eight hundred furnaces of iron, and as many tons of allum; of all which great quantities are exported, to the value at least of five hundred thousand pounds *per annum*.

Secondly, our re-exportation of the wool, butter, hides, tallow, beef, pork, herrings, pilchards, and salmon, from Ireland, have been reckoned at three hundred thousand pounds *per annum*.

We transport also annually from our plantations in America (besides what we consume ourselves) of sugar, indigo, tobacco, cocoa-nuts, &c. about four hundred thousand pounds; and our fish, pipestaves, masts, beaver, &c. from New-England and those northern parts, does not produce a much less sum.

It would be tedious and difficult to enumerate our transportations and their value from Denmark and Sweden, (though by our commerce with these two kingdoms, we are considerable losers) Spain, Portugal, and other parts in the Straights, Turkey, Guinea, &c. but the most considerable of all is that of the commodities brought from the East-Indies, of which it is supposed of late years, we have transported to the value of five hundred thousand pounds *per annum*, in pepper, salt-petre, callicoos, muslins, silks, drugs, diamonds, &c. after having retained a sufficiency for our own use and consumption.

Thirdly, the article of importation, or the bringing hither such goods as we consume among ourselves, is vastly great, though not equally advantageous from all countries, as the balance of trade with France has for many years been against us, though we hope will be considerably remedied by the prohibition of cambricks, &c. The ingenious Mr. Samuel Fortrey, in his excellent discourse on trade, makes appear, that we yearly imported from that kingdom near 1,600,000*l.* worth of goods more than the value of what we exported thither, viz. in silk, fattins, taffetees, stuffs, armoisins, paduasoyes, tabbies, cloth of gold and silver, velvets, ribbons, galloons, laces, silk buttons, about 600,000*l.* linen 400,000*l.* wines 600,000*l.* serges and calons 150,000*l.* hats 120,000*l.* hatbands, feathers, fans, girdles, hoods, masks, looking-glasses, watches, pictures, medals, cabinets, cases, bracelets, tablets, and other toys 150,000*l.* paper 100,000*l.* household

stuffs, as beds, mattresses, coverlets, hangings, fringes, &c. 100,000*l.* brandy, cyder, vinegar verjuice, &c. 100,000*l.* Castile soal, honey, almonds, olives, capers, prunes, &c. 150,000*l.* pins, needles, box and tortoise-shell combs, &c. 20,000*l.* perfumed and trimmed gloves 10,000*l.* fine ironmongers ware 40,000*l.* which amount in all to 2,540,000*l.* *per annum*, besides salt, cork, rosin, and other things, to a considerable value: and although this calculation might possibly be something exaggerated, and our exports there not rated at as much as they ought to be (Mr. Fortrey valuing them only in a million sterling) and the importation of many things prohibited since; yet it is a certain and lamentable truth, that our loss by that trade has always been very considerable. This prejudice to our trade proceeds from a taste viciated by an affected imitation of French gaiety, and a consequent fondness for their toys and baubles: we likewise retain too great an affection for their wines, brandies, and some other of their products, though our *gout* might be gratified with more wholesome beverages, and on terms much less disadvantageous to our country; which we beg leave to recommend to the serious consideration of every Briton; and wish it may have a suitable effect, and incline all to put a helping hand towards healing this dreadful disease in our commerce, so much tending to its ruin, and the emasculating both our minds and bodies.

The trade of Great-Britain is properly divided into home and foreign: each county, of the three kingdoms, and our American colonies, under their respective heads, shew what they furnish towards the domestic trade, either by their products, or manufactures: the foreign trade is best known by passing in review the state of the trade which Great-Britain carries on with other nations in different parts of the world.

BROCADE, a kind of stuff, or cloth of gold, silver, or silk, raised and enriched with flowers, foliages, or other figures.

BROCADE-WEAVERS. Weaving brocade, or silks flowered with various colours, and enriched with gold and silver, is a very ingenious business, performed in Spital-fields, where it is brought to the greatest perfection; the silk stuffs made there of this kind greatly exceeding in their richness, and the beauty of the patterns, those made in France. But though this art requires great ingenuity; a journeyman cannot earn above twelve or fifteen shillings a week. But were boys to learn, before they go apprentice, to draw foliages, flowers, birds, &c. they might doubtless, when become journeymen or masters, obtain considerable advantages by drawing their own patterns. Some of the masters are very wealthy. The sums given with an apprentice, are from five to twenty pounds. For the laws of England with regard to Brocade. See **GOLD**.

BROAD-PIECES. Counterfeiting them made high treason 6 Geo. II. c. 26.

BROCHIA, a large city in the kingdom of Gusurate, seated twelve leagues to the north of Surat, on a river which, at eight leagues distance, discharges itself into the sea at two openings, is reckoned both among the maritime and in-land cities. Here, and in eighty villages under its jurisdiction, are made cotton cloths that are always placed among the number of the finest and most beautiful of all India. The factories which the English and Dutch have here, are very ancient, and some of the first, that these two nations established on this coast.

BRODHALPENY, in some copies *broad-half-peny*, and in others *broadhal-peny*. It signifies a small toll by custom paid to the lord of the town, for setting up of tables, booths, or boards in fairs or markets: and those that were freed by the king's charter of this custom, had this word put in their letters patent; by reason whereof at this day, the freedom itself, for brevity of speech, is called *broadhalpeny*. It seems to be derived from three Saxon words, *bret* or *brod*, that is, a board, and *halve*, that is, in the behalf of, as we say in Latin (*cujus rei gratia*), and penny, a toll, which in all makes a toll in the behalf of, or for a board. Cowell. ed. 1727.

BROKERS are persons sworn and authorized by the magistracy of the place where they act, and such are always regarded in preference to others, who interfere in these negotiations without being licensed; as a credit is given

given to a declaration of the former in case of any dispute, though it is not admitted from the others; and in some places those who illegally exercise the function are fined for acting without permission.

It is the duty of a *broker* to be diligent, faithful, and secret, whether his dealings be in exchanges, or purchases and sales, as they are the mediators in all negotiations; and those licensed may properly be called public ones, from the nature of their business, which leads them to a general employ, between merchants, traders, and remitters. They are called at Amsterdam, as well as here, *brokers*, (courtiers or mackelaers) though on the coasts of Provence, and up the Levant, they are termed *consuls*, and at Paris the *exchange-brokers* have, for about a century past, barred this appellation for that of agents; and to render the office yet more honourable, about fifty years ago the quality of king's counsellor was added to it, though the business is the same, however the denomination may differ.

The number of *sworn-brokers* in London are unlimited; at Amsterdam there are a hundred and seventy-five Christians, and twenty-two Jews, acting in trade and exchanges; besides which, there are many who practise (as they do here) unsworn and unlicensed, to whose testimony no regard is paid in a court of justice.

Those who exercise the function of *brokers* ought to be men of honour, and capable of their business; and the more so, as both the credit and fortune of those that employ them may, in some measure, be said to be in their hands, and therefore they should avoid babbling, and be prudent in their office; which consists in one sole point, that is, to hear all, and say nothing; so that they ought never to speak of the negotiations, transacted by means of their intervention or relate any ill report, which they may have heard against a drawer, nor offer his bills to those who have spread it.

Before offering any bills of exchange, which a *broker* is commissioned about, he ought to ask the person he applies to, whether he wants bills for such a place, or hath money to dispose of; and if this merchant queries whose the bills are which he has to negotiate, he ought not to inform him till his reply lets him know whether he wants any or not.

When a merchant has discovered his intentions to draw, or that he has bills to negotiate, the *broker* should offer them, purely and simply, without any exaggeration in their favour or disfavour; and if he to whom they are proposed refuses them, with saying they do not suit him, it would be not only improper, but impertinent in the *broker*, to ask the reason of such a refusal, and the height of imprudence in him to amplify their goodness, or the solvency of their owner, in order to induce the refuser to change his intentions, and take them; on the contrary, he ought to take care never to deceive the contracting parties, but to be sincere in all his actions, without using any artifice to attain his purposed end in his negotiations; and above all, he should avoid offering things for which he has no authority, as he may be taken at his word, and have the negotiation remain for his own account, to his small disadvantage (if known) both of purse and credit; and the same may happen in purchases and sales, as in exchanges.

A *broker* should take care in making an agreement between two persons, to be well assured of the place to be drawn on; and when he is, where there is a settled usage, he has nothing to treat of but the price; though, in case the parties agree on an exchange for a place where the time of the bills running is uncertain, that of payment must be fixed, with every other requisite to conclude the bargain.

When a *broker* has adjusted a remiss, he must enquire of the remitter to whom he will have the bills payable, and should always carry some slips of paper on a pocket-day in his pocket, on which to note it, as also the sum agreed for the time of payment, to whom payable, from whom the value is to be received, at what price the exchange was concluded, and the day it was agreed on, which memorandum he must give the drawer, and enter a duplicate thereof in his book, that may serve as a testimonial, in case of any dispute between the contracting parties.

It is the *broker's* obligation to call for the bills, and carry them in time to the remitter, though this is a good deal out of use in this great metropolis, where the merchant commonly sends a clerk with them, to lessen the *broker's* trouble.

A prudent merchant will never attach himself entirely to one *broker* for fixing the price of the exchange, nor will prefer one to another in the execution of his commission, either through favour or friendship; but he who offers the most beneficial terms should be the agent on that occasion, and by such behaviour he disoblige no body, but rather stimulates an emulation in them to procure his advantage.

It is a great fault in a merchant whose credit is not well established, when he has a mind to draw, to make use of a *broker* who is but young in, or ignorant of his business; and he who draws in virtue of a letter of attorney for another's account is obliged to declare it to the *broker*, who must, in consequence, contract in the name of the constituent, and not in his who gave the order.

An exchange once concluded with the *broker*, or by his mediation, ought to be carried into execution; as it is both unfair and illegal for either the drawer or remitter to retract their words given. And if a *broker* concludes any thing either without or exceeding orders, more especially at an inferior price, the merchant has just reason to resent it, (though the *broker* offers satisfaction) as his credit is concerned, and may be hurt beyond a possibility of reparation. The bills of young beginners may be offered by a *broker*, but if he frequently tenders such as are notoriously in disrepute, he must greatly suffer in his reputation; more especially if he takes on him to recommend them; and if he submits to be employed by one he knows to be insolvent, or near being so, and endeavours to draw or remit for him when certain that his bills will not be answered, or he as a remitter does not comply with his engagements, he ought to be severely punished for his knavery; and his being deprived of any future business is the least he can expect, though the punishment is not adequate to his deserts.

A *broker* should never ask more, nor admit less, than what the law and custom allow him; this for exchanges in London is always one *per mill*. for each of the parties concerned, (though on purchases or sales one half *per cent*.) and at Amsterdam the tariff is settled at three stivers for a hundred guilders, the half payable by the drawer, and the other moiety by the remitter, as follows, viz.

	l.	s.	p.
A thousand ducats	4	0	0
A thousand dollars on Genoa or Leghorn	4	0	0
A thousand ducats on Madrid, or any other part of Spain	4	10	0
A thousand cruzados on Lisbon, or any other part of Portugal	4	0	0
A hundred pounds sterling on London, or any other part of England, Scotland, or Ireland	1	10	0
A thousand crowns on Paris, or any other part of France	1	10	0
Though when the exchange was very high, brokerage was in proportion, and formerly Guild. 4. 10. were paid on negotiating the thousand crowns.			
A thousand rixdollars on Francfort, Leipzick, or Breslaw	3	10	0
A hundred livres de gros (or six hundred guilders) on Dantzick, Coningsberg, Antwerp, Lisle, and all Flanders and Brabant	0	18	0
A thousand daelders on Hamburg (computed 1666 $\frac{2}{3}$ guilders)	2	10	0
A thousand guilders on Rotterdam, and other parts of Holland	1	10	0
A thousand guilders bank money changed into current	1	0	0
A thousand guilders of gold changed into silver, and <i>per contra</i>	1	0	0
Five hundred livres de gros for an East-India action	6	0	0

And in proportion on other places of exchange; not but that some *brokers* impose on people they find ignorant of the above-mentioned regulations and customs, but this is a cheat, which no honest man will be guilty of.

At Paris brokerage is one-fourth *per cent*. and at Lyons forty sols is commonly given for three thousand livres tournois, half by the taker, and half by the giver of the bill; and at this last place any one is permitted to exercise the function of a *broker*, it being a free city.

At Venice brokerage is two-thirds *per mill*. at Genoa one-third *per cent*. at Leghorn one half *per mill*. at Bo-

logna one fol *per* hundred crowns; and in all other banking cities according to what the government has settled.

By *Stat. 6 Ann. c. 16. f. 4.* all persons that shall act as *brokers* within London, shall be admitted by the court of mayor and aldermen, under such directions for their good behaviour as the court shall think fit; and shall, upon their admission, pay to the chamberlain forty shillings; and shall also yearly pay forty shillings upon the 29th of Sept. for the use of the mayor and commonalty and citizens of the city of London.

Secl. 5. If any person shall take upon him to act as a *broker*, or employ any under him to act as such within the said city, not being admitted; every such person shall forfeit to the mayor and commonalty, &c. for every offence twenty-five pounds, to be recovered by action of debt in the name of the chamberlain in any of her majesty's courts of record.

Stat. 10 Ann. c. 19. f. 121. Every person employed as a *broker*, solicitor, or otherwise, in behalf of any other person, to make any bargain or contract for the buying or selling of any tallies, orders, &c. or interest in any joint stock erected by act of parliament, or letters patent, or bonds of any company thereby erected, who shall take any money or reward exceeding two shillings and nine-pence for every hundred pounds, and so in proportion, for his service in soliciting or procuring such contract or bargain, shall forfeit twenty pounds, with costs, to such person as will sue for the same in any of her majesty's courts of record at Westminster.

Stat. 6 Geo. I. c. 18. f. 18. All undertakings by public subscription, relating to fisheries, and other affairs of trade, and acting as corporate bodies without charter, or under charters intended for other purposes, or under obsolete charters, and tending to the common grievance of his majesty's subjects in their trade, and all public subscriptions, receipts, payments, transfers, and other things for proceeding in such undertaking, and particularly the acting as a corporate body, by raising transferable stocks, the transferring any share in such stocks without legal authority; and all acting under any charter formerly granted for particular purposes therein expressed, by persons who shall use or endeavour to use the same charters for raising a capital stock, or for making transfers of such stock, not intended by such charter to be raised or transferred, and all acting under any obsolete charter, become void or voidable by non-user or abuser, or for want of making lawful election, shall be deemed illegal and void.

Secl. 19. All such unlawful undertakings, and all proceedings therein; shall be deemed public nuisances, and all offenders therein being convicted upon information or indictment in any of his majesty's courts of record at Westminster, Edinburgh, or Dublin, shall be liable to such payments whereto persons convicted for public nuisances are by any laws of this realm liable; and shall moreover incur such farther pains, &c. as were provided by the statute of provision and præmunire. 16 Rich. II. c. 5.

Secl. 20. If any merchant or trader shall suffer any particular damage by occasion of any undertaking, &c. by this act declared unlawful, he shall have his remedy by action on this statute in any of his majesty's courts of record, and shall recover treble damages with costs.

Secl. 21. If any *broker*, or person acting as a *broker*, for himself, or in behalf of any others, shall bargain, sell or buy, or contract for, any share or interest in any of the undertakings hereby declared unlawful, he shall not only be disabled to act as a *broker*, but shall also forfeit five hundred pounds, one moiety to the king, the other to the informer, with costs.

Secl. 22. Nothing herein shall extend to any undertakings established before June 24, 1718.

Secl. 23. This act shall not prejudice the two corporations for assurance of ships, &c.

Secl. 24. This act shall not hinder the South-Sea company from enjoying such powers as belong to them, except as to insurance upon ships and merchandize at sea, or going to sea.

Secl. 25. This act shall not restrain the carrying on of any home or foreign-trade in partnership, except only as to the insuring of ships, and lending money on bottomry.

Secl. 27. Nothing in this act shall extend to any corporation formerly erected for the carrying on a trade, which

they have publickly continued to exercise; or to subscriptions for enlarging the capital stock of the South-Sea company.

Secl. 28. Nothing herein shall extend to hinder the East-India company from enjoying all such powers as belong to them.

Stat. 3 Geo. II. c. 31. f. 1. No person shall exercise the employment of a *broker* within the city of Bristol, or within five miles thereof, in making bargains between merchant and merchant, or tradesmen, or other persons, concerning their merchandizes to be bought and sold, or concerning monies to be taken up by exchange, till he shall be first admitted by the mayor, aldermen, and common council of Bristol, and such restrictions, for his good behaviour; and as to fees, and the number of *brokers*, as the said mayor, &c. shall think fit.

Secl. 2. Upon the admittance of any *broker*, such person shall take his oath to the effect following, viz.

I, A. B. do sincerely promise and swear, that I will truly and faithfully execute and perform the office and employment of a *broker* between party and party in all things appertaining to the duty of the said office and employment, without fraud or collusion, to the best of my skill and knowledge, and according to the tenor and purport of the act, intituled, An Act for the Admission and Regulation of *Brokers* within the city of Bristol.

Secl. 3. Which oath the mayor and court of aldermen of Bristol shall administer; and such, every person at the time of his admittance, shall with sureties enter into obligation to the mayor, &c. of the penalty of two hundred pounds, with condition there under-written, to the effect following, viz.

The condition of this obligation is such, that whereas the above bounden A. B. is sworn and admitted a *broker*, pursuant to the statute in that behalf lately made; now therefore, if the said A. B. do and shall, well and truly use, and execute, and perform the employment and office of a *broker* between party and party, without fraud, covin, or any corrupt, or crafty devices, according to the purport, true intent, and meaning of the said statute in that case lately made and provided, then this obligation to be void, or else to remain in full force and virtue.

Secl. 4. Every person, at the time of his admittance, shall pay to the town clerk of Bristol, ten shillings, as the fee of admittance.

Secl. 5. The mayor and court of aldermen shall order the names of all such *brokers*, and the places of their habitation, to be affixed on the Tholsel, and in the council-house, and other public places within the city.

Secl. 6. If any person shall act as *broker*, not being sworn and admitted, he shall forfeit one hundred pounds. And if any person shall knowingly employ any person as a *broker*, not being sworn, he shall forfeit fifty pounds.

Secl. 7. Every sworn *broker* shall keep a *broker's* book, in which he shall enter all contracts that he shall make, within three days after making, with the parties name; and if such *broker* shall omit to enter such contract, &c. he shall forfeit twenty pounds.

Secl. 8. Every such *broker* shall carry about him a medal of silver, upon which shall be his majesty's arms, and on the reverse, the arms of the city of Bristol, with the name of such *broker*, which medal he shall produce, if required, at the concluding of every bargain by him made, to the parties concerned, on pain to forfeit five pounds.

Secl. 9. If any such *broker* shall deal for himself in remittance of monies, or buy any goods to sell again for his own benefit, or shall make profit in buying or selling any goods, &c. for the benefit of any other person, save in the way of a *broker* only, he shall forfeit for the first offence twenty pounds, for the second offence fifty pounds, and for the third offence one hundred pounds; and being convicted of such third offence, shall be incapable to act as a *broker* within the city of Bristol.

Secl. 10. All forfeitures given by this act shall be recovered by action of debt, &c. in any of his majesty's courts of record; one moiety whereof shall be to the use of the corporation of Bristol, and the other moiety to him who shall sue for the same.

Secl. 11. The act shall be a public act.

Stat. 7 Geo. II. c. 8. f. 1. All contracts, upon which any premium shall be given for liberty to put upon, deliver, accept, or refuse, any public stock or securities, and all wagers,

wagers, puts, and refusals, relating to the present or future price of stock or securities, shall be void; and all premiums upon such contracts or wagers shall be restored to the person who shall pay the same, who shall be at liberty, within six months from the making such contract, or laying such wager, to sue for the same, with double costs; and it shall be sufficient therein for the plaintiff to alledge, that the defendant is indebted to the plaintiff, or has received to the plaintiff's use, the money or premium so paid, whereby the plaintiff's action accrued according to the form of this statute, without setting forth the special matter.

Sett. 2. Persons, who by this act shall be liable to be sued, shall also be obliged to answer upon oath such bill as shall be preferred in equity, for discovering any such contract or wager, and the premium given.

Sett. 3. Provided that the plaintiffs, relaters, or informers in such bill, give security to answer costs.

Sett. 4. Every person who shall make any such contract, upon which any premium shall be given for liberty to put upon, deliver, accept, or refuse any public stock or securities, or any contract in the nature of puts and refusals, or shall lay any wager (except such who shall *bona fide* sue, and with effect prosecute, for the recovery of the premium paid by them; and except such who shall voluntarily, before suit commenced, repay or tender such premium as they shall have received; and also except such as shall discover such transactions in any court of equity) shall forfeit five hundred pounds. And all persons negotiating or writing such contract, shall likewise forfeit five hundred pounds, which penalties may be recovered by action of debt or information in any of his majesty's courts of record at Westminster; one moiety to his majesty, and the other moiety to them who shall sue for the same.

Sett. 5. No money or other consideration shall be voluntarily given or received for the compounding any difference for the not delivering or receiving any public stock or securities, but all such contracts shall be specially executed; and all persons who shall voluntarily compound such difference, shall forfeit one hundred pounds, one moiety to his majesty, and the other moiety to them who shall sue for the same.

Sett. 6. No person who shall sell stock to be delivered and paid for on a certain day, and which is refused or neglected to be paid for, shall be obliged to transfer the same; but it shall be lawful for such persons to sell such stock to any other, and to receive or recover from the person who first contracted for the same, the damage which shall be sustained.

Sett. 7. It shall be lawful for any person, who shall buy stock, to be accepted and paid for on a future day, and which shall be refused or neglected to be transferred, to buy the like quantity of such stock of any other person, at the current market-price, and to recover and receive from the person who first contracted to deliver the same, the damage sustained.

Sett. 8. All contracts which shall be made for the buying or transferring of stock, whereof the person on whose behalf the contract shall be made to transfer the same, shall not, at the time of making such contract, be actually possessed in his own right, or in the name of trustees, shall be void; and every person on whose behalf, and with whose consent, any contract shall be made to sell stock, whereof such person shall not be actually possessed in his own name, or in the name of trustees, shall forfeit five hundred pounds, one moiety to his majesty, and the other moiety to them who shall sue for the same; and every broker or agent, who shall negotiate any such contract, and shall know that the person, on whose behalf such contract shall be made, is not possessed of stock, shall forfeit one hundred pounds, one moiety to his majesty, and the other moiety to them who shall sue for the same.

Sett. 9. Every person receiving brokerage in the buying or disposing of stocks, shall keep a broker's book, in which he shall enter all contracts, with the names of the principal parties; and such broker, who shall not keep such book, or shall wilfully omit to enter any such contracts, shall forfeit fifty pounds, one moiety to his majesty, and the other moiety to them who shall sue for the same.

Sett. 10. Nothing in this act shall extend to any contracts for the purchase or sale of stock, to be made with the privacy of the accomptant-general of the court of chancery,

in pursuance of any decree or order of the said court.

Sett. 11. Nothing in this act shall hinder any person from lending money on stock, so as no premium be paid more than legal interest.

Sett. 12. This act shall continue three years.

Made perpetual. 10 Geo. II. c. 8.

BROOMING, or **BREAMING** a ship, is burning off the filth she has contracted on her sides, with furze, straw, reeds, &c.

BROOM-MAKER. The makers of birch or heath brooms are confined to about half a dozen masters, who live in Kent-street, Southwark, and return several hundreds a year in this trifling article; some of them having upwards of five hundred pounds stock constantly by them, deposited in their yards in great stocks of brooms of a prodigious height. We do not find that they take apprentices: their work is done by men and poor women, who, it is said, get from eight to sixteen shillings a week.

BRUCK, in Switzerland, is a town on the Aar, and one of the great passes for goods both by land and water: the river here is very deep, and shut in above the town among rocks, that renders its course extremely rapid, forming an elbow called the *Fall of Bruck*, which was formerly esteemed very dangerous, but now the boatmen do not regard it as such: in the town and neighbourhood some woollen stockings are knit, and here are also several looms for weaving them.

BRUNSWICK. The dutchy of Brunswick carries on a trade of some consequence with Bohemia. The country abounds in hops, which are esteemed the best in all Germany: they have likewise great plenty of turnips, of the seeds of which they make good oil.

The city of *Brunswick* was once imperial, and a rich and powerful Hans-town; but after many struggles, being taken by the duke Rodolph Augustus, many of the merchants and tradesmen removed to other places, and many of their noble houses, warehouses, and halls, are now empty, or converted to other uses. The city, however, is still rich and populous, though much short of what it was when free. Their chief trade is in tanning leather, and in brewing mum from a malt made of barley, with a small mixture of wheat, well hopped. There is a thin weak sort for their common drink; but what they call ship mum is scarce drinkable, till it has purged itself at sea, by which they transport great quantities abroad.

Betwixt the city of *Brunswick*, Goslar, and Thuringia, is the great mountain of Hartz, with the towns and rich mines of Rammelsburg, Wildman, Clausthal, Lantenthall, Cellerfelt, or Zellerfeld, and Grinde, or Grunde. These belong in common to the families of Hanover and *Brunswick*, but the greatest share to the former. There are above one hundred and ten that are called capital mines, several of which have many smaller ones belonging to them. Some of them are worked at the elector of Hanover's charge, and the rest farmed out; so that they bring in a great revenue, nine hundred thousand dollars having been coined in one year, from that of Clausthal alone; and the adjacent country is well stored with wood for working them. They all lie together, according to Moll, in the north-east corner of Grubenhagen, on the borders of the bishopric of Hildesheim. The mines of Rammelsburg, a high mountain near the city of Goslar, forty-three miles south-east from Hanover, were discovered in the year 972, by one Ramme, whose horse's foot turning up a piece of ore, as he was hunting, the duke Otho I. got a company of Franks, who understood minerals, to refine the metal, from whom the neighbouring town of Frankenburg had its name. The miners encreasing, they found out that of Wildman in 1045, and that of Zellerfeld, which is the chief, in 1070. Here the overseer of the mines keeps his court, and pays the workmen every Saturday. The chief minerals in these mines are silver, lead, and two sorts of copper; one melted from the ore, and the other made by vitriol-water, in which, with great art, it is said, they steep great plates of iron in troughs. They find many other profitable minerals here, though the nauseous smells are often fatal to the workmen; as, 1. Grey vitriol. 2. The ink-stone of many colours; from which two, brayed and boiled together, is made green vitriol. 3. Another vitriol, which grows like icicles, and is used without any further cleansing. 4. Blue vitriol, from

from copper ore. 5. White vitriol, from lead ore. 6. Mify, of the nature and colour of brimstone. 7. Brimstone, from a peculiar sort of ore, from whence drop the *flores sulphuris*, which usually coagulate like icicles.

BRUNT-ISLAND, a duty of two pennies Scots upon ale there. 6 *Geo. I. c. 28.* 20 *Geo. II. c. 20.*

BRUSH-MAKER. This business requires no great degree of strength, nor any extraordinary ingenuity to become fully master of it; and it is intirely independent on education, which if it be ever so liberal, cannot enable one to improve the art. The *brush-maker* makes hair-brooms, and brushes of all sorts. The principal part of his materials are hogs-bristles, which he picks, combs, and cuts into lengths fit for the various kinds of brushes. The wooden part of the brush or broom he forms with an instrument much of the nature of that used by the last-maker. From five to ten pounds is given with an apprentice, and the journeyman earns from twelve to fifteen shillings a week. Their hours of working are from six to nine. A *brush-maker* may employ in trade from fifty to two hundred pounds.

BRUTE WEIGHT, is when merchandize are weighed with the cases or package, and pay the duties of import or export on the *brute weight*, which is thus distinguished from *net weight*, whereby a deduction is made for the weight of the package, freight, and other considerable expences. Several commodities pay the duties by *brute weight*, and others by *net weight*.

BRYONIA ALBA, in botany, *white bryony*.

The white bryony root is one of the largest roots we are acquainted with. It is of an oblong shape, and is frequently the thickness of a man's arm, sometimes of twice or three times that bigness.

The expressed juice of the root is of a bitter, acrid, and nauseous taste, and gives some tokens of its containing an acid. It is an attenuant and resolvent; it powerfully dissolves viscid humours, and carries them off by stool, and sometimes by vomit; but it is a rough medicine, and must be given with great caution; when dried, it becomes much more gentle in its operation, purging only downward. It is given with success in dropsies, asthma, hysteric complaints, and even in palsies and epilepsies; it is much more powerful in all these intentions, when fresh; but it should be corrected with an addition of cream of tartar, vinegar, or some of the aromatics.

BUBBLES, by which the public have been tricked and deceived, are of two kinds, viz. 1. Those which we may properly enough term *trading-bubbles*. And, 2. *Stock*, or *fund bubbles*. The former have been of various kinds, and the latter at different times; as in France and England in 1719 and 1720, and when any remarkable alterations have been made, with regard to the property of our monied corporations.

In order to give the more spacious colouring to *trading-bubbles*, they have been generally undertaken by such crafty and designing fellows, who have had art enough to magnify the imaginary gain of their projects, with a view to obtain large subscriptions before-hand, that a few of the cunning ones may suddenly grow immensely rich, at the expence, and by the unwariness of numbers, who mean only to make a reasonable advantage of their money, rather than let it lie dead.

As numbers have been egregiously duped and imposed on, and many families ruined and undone by trading schemes, that have no foundation but in deceit and villainy, it may be useful, especially to the growing and unexperienced generation, to throw some cautions in their way, with respect to public impositions of this kind.

Many of these nefarious designs have been carried on by companies, such as the York-buildings, charitable corporation, and too many others. We shall make a few observations, first upon trading *bubbles*, to prevent the public being imposed on hereafter. Let the nature and extent of the commerce proposed be maturely weighed, as whether it will admit of the capital stock required, and whether less would not answer the purpose, and yet yield the adventurers only a reasonable gain; whether the branch of trade is not already over-done, either among ourselves, or by other nations; whether the public encouragement obtained is adequate to the business proposed; and whether

it so interferes with other branches which have a connection therewith, that its constitution can be but of short duration; whether there are not some latent sinister views in the acting junto, either to make a job of their scheme, or by drawing in numbers into their subscription at any rate, with design, at the critical time, when they have effectually blinded their encouragers, to dispose of their share at an extravagant real advantage, and leave the imaginary fairy-treasure in the hands of the dupes; whether the management of the business lies in the hands of men of discernment as well as worth and honour; or whether the leading cabal may not consist only of a few rotten conductors, who gloss over their proceedings with equipage and pageantry, and make use of a borrowed property of others, in order to raise a real one to themselves; whether many wise, upright, and opulent gentlemen may not be made tools of to raise the credit of a chimera, and become the *bubble of bubbles*, as well as the innocent widow and the orphan, and numberless others, who have but small fortunes whereon to subsist; whether such arts may not be made use of in the public news-papers, as even to deceive the most circumspect as well as the credulous; whether authentic accounts of the profits and losses of any public enterprises should not be made public, from time to time, for the satisfaction of the proprietors, and not kept secret only, in the hands of a few designing managers; whether the choice of directors ought not to be so determined by private ballot, as that it may not be known for whom the electors vote; and be made annually, and by lists of the proprietors, not by lists formed by the managers themselves, so as that the change of hands may go only in a round of those who are in the secrets to — ?

These, it is humbly presumed, are some of those prudential precautions that are requisite to be taken by the public, when great sums of money are to be raised to prosecute any public schemes whatever, and what every honest man will readily acquiesce in. There is, indeed, one particular, which we had forgot to intimate; though we judge it not less essentially necessary than any that has been suggested. We mean, the necessity of proprietors in general making themselves thoroughly acquainted, from time to time, with the true state of the affairs of companies; and that men of the best sense among them, and who never intend to act in the management, should pretty constantly attend the public business, and scrutinize into all transactions. To which end we would most humbly submit to consideration, that gentlemen of the best education, and of the most knowledge of the world, should make themselves compleat accountants; otherwise, how is it possible, that they should be capable of examining into the state of the accounts of public exportations? That we may not be misunderstood, we would desire to observe, for the sake of the private gentleman, as well as others, how far we judge this kind of knowledge necessary. A knowledge and readiness in numerical computation is not the only qualification; for, besides that, the thorough skill in the method of account-keeping, called debtor and creditor, by the way of charge and discharge, is indispensibly requisite; this being applicable to the transactions of public companies, as well as to the affairs of private gentlemen, merchants, and other traders. The method of account-keeping by public companies, as well as the public offices, differs, indeed, from that used by merchants; but, though there is a difference in the form, there is none in the essence; a person who is grounded in the one, will apply it to the other easily, and be enabled to detect all fallacies, however subtilly disguised.

The number of the books, in the office of the accountants, will multiply, according to the nature of the companies transactions; but, let them be ever so numerous, they are all of them reducible to a plain ledger, which, being always posted up, will exhibit the true state of the affairs of the greatest corporations, as familiarly as that of private men. And, why should not the ledger, and, indeed, all the other accounts of bodies corporate, be fairly laid before their general courts? Nay, why should not every proprietor, who is interested to a certain degree, have the liberty of inspecting the books at certain stated times, if not at all times? By this means, the man of penetration would be able to discern how the public business went on, and would be capable of preparing

ing himself to speak to the interest of societies at their general courts; and who can do that to good purpose, without a competent knowledge in the companies negotiations? We must confess, that we have not discernment enough to discover, why the books and accounts of trading societies, any more than those of the public offices, where the state of the national revenue is registered, should be kept private, when the interest of the public requires otherwise?

Where the transactions of great bodies are kept as they ought to be, by variety of chief officers, and their underling clerks, the various officers and clerks are such checks upon each other, that it is extremely difficult, though not impossible, as is known from experience, for frauds to be committed by these officers. These, however, have but proved trifling in comparison to those which have been committed by the mal-administration of the head-officers; by those who have had the chief, and, as it were, the sole and uncontrollable direction and government of great bodies. Wherefore, the great lines of conduct are what the proprietors should vigilantly attend to.

To enable the proprietors in general to make a right judgment of the state of their affairs, why should not their accounts be annually made public, that adventurers may be convinced, what dividend may, and what not afforded, consistent with the real prosperity of the corporation? Would not this be one way to prevent the public being made a *bubble* of?

The other species of *bubbling* arises from the nature of our national duties; for, if between eighty and ninety millions of money are so tied up, as to remain untransferable, unnegotiable, and not to change hands, who could ever be induced to lend the government money upon the most pressing emergency, even in consideration of the largest interest?

Though parliamentary security gives the real value to the national debt, or the public funds, they would be like the miser's treasure, useless to the possessor, or like the undiscovered riches of the earth, did not circulation and credit set a market price upon them. As the best things may, so has the liberty of circulating our funds been greatly abused; nor can any thing, I am afraid, ever effectually prevent these general abuses, while our national incumbrances continue, without doing a greater public injury, than can be sustained by the present methods of circulation of the funds.

But, although a public mischief is not to be absolutely prevented, a private one, in a great measure, may, by a proper knowledge, and a competent judgment, to make a reasonable use of that knowledge.

But this can only be obtained by those, who duly attend to the transactions of the great corporations, and, from time to time, make proper memento's of the state of their affairs. The bulk of the public creditors are widows and orphans, and other ladies and gentlemen who cannot be supposed to have any knowledge in public business. Who then may we rely upon to watch over the conduct of great companies? To put the sole confidence in directors, no one will contend for, who is at all acquainted with what is past. Who then is so fit to take care of public property, as the public proprietors themselves? Such among these who are of the best abilities without doors, should attend to the conduct of those within; should call for accounts and vouchers at their general courts, and go to the root of their affairs, before schemes can be formed and executed to the public detriment. This vigilant inspection, this constant scrutiny of the most judicious proprietors, who have no share in the direction of public companies, is certainly the way to prevent those calamities, which have been so often experienced. That gentlemen may not be deterred from duly entering into enquiries of this kind, we shall, in its place, endeavour, to the best of our abilities, to set the nature, the constitution, and the transactions of these corporations in a true light, in order to prevent the creditors of the public, as well as the proprietors of trading bodies, from being imposed upon hereafter.

There is another kind of imposition, to which too many of the proprietors of our public funds are daily liable, not from any malversation in those, whom they have intrusted with the management of their affairs, but from their own voluntary act. I mean, their jobbing in the funds, for the

fake of more gain than their interest or dividends.

Would the proprietors please to consider, how few, how very few, in comparison to their great number, there are, who have, or can have, a competent intelligence and sagacity to trade in the stocks to advantage, they would not so easily be made tools of upon those occasions as they are. Those who make stock-dealing their employment, and lie in wait to take advantage of the innocent, the unwary, and ignorant, make it their business to get such intelligence, as will answer their end, either by buying or selling stocks: and, if such can obtain no real intelligence, to occasion a fluctuation in the stocks, they make no great difficulty to invent such as will answer their purpose. To which end, it is common to propagate one thing in the city, and whisper another at St. James's, and write different from either both at home and abroad. Have we not known at critical conjunctures, that letters have been forged as coming from foreign correspondents, with intelligence only to raise or fall stocks, according to the intention of the forgers? These are some of the artifices of money-jobbers; who knowing there is not one in a thousand among the public creditors, that are able to see through their finesses, or indeed have either opportunity or discernment to penetrate them, make a prey of the less knowing, by alarming their fears, or feeding their hopes. Whereas, were the public creditors more steady, and less intimidated for fear of loss; or elated with a view of gain, by the rise or fall of stocks, they could never be made such *bubbles* of, as they almost daily are: and it is great weakness for those, who have no opportunity of intelligence which may be relied on, to be stock-dabblers, or actuated to buy or sell by the nod, the wink, or any other insinuation of a broker, for the sake of his commission.

These, we fear, are not the only evils necessarily attendant upon our national incumbrances; for, while men's minds are engaged in shuffling of property from hand to hand among ourselves only, which makes us never the richer, with all the bustle of these transactions, they neglect solid and useful commerce, which alone can make the nation really richer. However wealthy the greatest of these fund-jobbers may be, and however much he may plume himself upon his treasure, it is the direct way to render all his monied property of little worth; for, the more stock-jobbing prevails by latent artifices, and the longer the public tranquility shall continue, the higher will the premiums rise: and will not this? or has it not ever given occasion to the reduction of their interest; and is there no danger that they may be actuated to job with their stocks, till they themselves become the instruments of so reducing their interest, that their principal will be worth nothing? Perhaps they may flatter themselves with the trite notion, that, the lower their interest is, the higher will the price of their lands be: but, when money shall fetch little or no interest, what land will they be able to purchase with it?

This may deserve the serious consideration of the national creditors. But stock-jobbing, or *stock-bubbling*, if you please, seems, at present, to be brought to a kind of science. The gamblers meet in Exchange-alley, and, just as if they were at box and dice, South-Sea, or this or the other stock is the main, which brings in all the bites to set high; and, when the cullies that are not in the secret, throw at all, they commonly throw out and lose the box, which the bites take, and the fetters go round, laying most extravagant odds, upon the success; but they cog the dice, and nick the main, and so sweep away all the cash. Does this kind of traffic enrich the nation? Will such arts tend ever to realize the property of the public creditors? We wish they would consider their own interest better, as well as that of the king; for these, and other such like measures, we are persuaded, will soon tend to annihilate all their property.

For what's the worth of any thing?

But just as much as it will bring.

It is for the interest of the public creditors, that they should be faithfully apprized of their present situation; and what is likely to be the fate of their posterity, so far as it respects their monied properties. This we shall endeavour to do with all impartiality, and hope to convince them, that nothing can give solid treasure to the nation, and render

der their properties permanently secure to their posterity, but their encouragement of commerce, and contempt of stock-jobbing; that nothing can more effectually prevent their progeny being made the tools and *bubbles* of designing men, and make them independent, than to train up, especially the younger branches of their families, to commerce, and not to despise that whereby their ancestors acquired both their landed and monied estates. See ACTION of a company.

BUCCANEERS, or adventurers, as the French call them, a sort of rovers at sea, who cruise about in privateers to take all the vessels and small craft they can meet with.

In the twelfth century there were a great many of these picaroons in America, who took considerable prizes from the Spaniards, and behaved with great resolution, as Peter le Grand, captain Rock, John Davis, Mombars, and Morgan. These sort of pirates were commonly French and English, who had no certain pay, making that place their country, where they could plunder best; they made no scruple of taking what came in their way, and were as prodigal in spending, as they were unjust in getting. They were sometimes rich, and sometimes poor; sometimes masters, and sometimes slaves.

BUCENTAURO, a galeas, or great galley of the doge of Venice, adorned with fine pillars on both sides, and gilt over from the prow to the stern: the doge's seat is upon the uppermost deck, where the standard of the republic is displayed, with the prince's arms on the side: justice is represented in gold upon the prow, holding a naked sword in her right hand, and a pair of scales in her left. This vessel is covered over head with a kind of tent made of purple silk. It is in this galeas that the doge receives the great lords and persons of quality that go to Venice, accompanied with the ambassadors and counsellors of state, all the senators being seated upon benches by him. This same vessel serves also every year in the magnificent ceremony of Ascension-day, in which the duke of Venice throws a ring into the sea to espouse it, and to denote his dominion over the Gulf of Venice.

BUCKINGHAMSHIRE affords but little for foreign markets, as its sole manufacture is of bone-lace at Olney, and Newport-Pagnel; and its products confined to corn, cattle, and wool, except some lump-butter sent up fresh from hence, and from Oxfordshire, Northamptonshire, Bedfordshire, Hertfordshire, and Essex, and in pots from Derbyshire to London, in such quantities, as to import, in the whole, at least one hundred thousand firkins *per annum*, which are consumed within the bills of mortality.

BUCKLE-MAKER. The making of common shoe and knee-buckles is an easy business, fit for a lad of slender make, whose friends have little money to spare, as the masters seldom take above five or ten pounds with an apprentice, who must work from six in the morning till nine; but when out of his apprenticeship may earn fifteen or twenty shillings a week; and with a little money may buy tools, commence master, and work for the shops. This business, however, requires some fancy to invent new fashions.

BUCKLE-CHAFE-MAKER. The making of buckle-chafes and tongues is a separate business by itself, and may be learnt without much strength or abilities. The masters take from five to ten pounds with an apprentice; who, when out of his time, may with a small sum set up for himself.

BUCKRAM, a sort of coarse cloth, made of hemp, gummed, calendered, and dyed several colours. It is put into those places of the lining of a garment, which one would have stiff, and to keep their form. It is also used in the bodies of women's gowns; and it often serves to make wrappers, to cover, or wrap up cloths, ferges, and such other merchandizes, in order to preserve them, and keep them from the dust, and their colours from fading.

Buckrams are sold wholesale by the dozen of small pieces, or remnants, each about four ells long, and broad according to the pieces from which they were cut. Sometimes they use new pieces of linen cloth to make *buckrams* of; but most commonly old sheets, and old pieces of sails.

Imported, to what duties liable. 4 *Will.* and *Mar. c. 5. f. 2.* 12 *Ann. stat. 2. c. 19.*

BUCKRAM-MAKER. There are but few of these, and they are mostly about London. The cloth of which buckram is made for the most part, comes from Scotland: it is coarse, thin, made on purpose for this use, and is stiffened by being several times wetted with a glutinous matter, and afterwards pressed or calendered, to make it smooth. This business requires more strength than ingenuity. The masters take five or ten pounds with an apprentice; and give their journeymen ten shillings a week, who work from six to eight. It requires two hundred pounds and upwards to set up master.

BUDZIACK-TARTARY, situated on the rivers Neister, Bog, and Nieper, having Poland and Russia on the north, Little-Tartary on the east, the Black-Sea on the South, and Bessarabia on the west, is subject to the Turks. The chief town is Oczakow, and their chief traffic is that of making daily excursions into the neighbouring plains, to steal Christians, and sell them for slaves to the galleys.

BUENOS-AYRES, situated in the thirty-fifth degree of south latitude, is built on the southern bank of the great river of Plate in America, on the declivity of a little hill, at the mouth of a small river, falling into the great one. It contains near four thousand houses, all earth, except fifty brick; its inhabitants are rich, and owe their riches to the great trade they drive, both at home and abroad.

Its inland trade is with Paraguay, Chili, and Peru; and the foreign one, first, with Brazil, where the merchants send their ships, although they will admit no Portuguese into their ports. Secondly, with the Spaniards of Europe, who load several register-ships, to bring here all such goods as are fit for Porto-Bello, *which see*. Thirdly, with the English when the *Assiento* trade subsisted; and, fourthly, here come several vessels from several parts of Spanish America.

The chief commodities exported from *Buenos Ayres*, are hides (of which vast quantities are shipped here) cochineal in small cakes, and Vigonian wool, both from Peru; Coquimbo copper, Paraguay herb, tobacco leaf, and muscovada sugar, cotton thread, yellow wax, and what else the cities of Paraguay and las Corrientes produce; in truck of which, the inhabitants of these two places take knives, scissars, ribbons, taffeties, linens of Bretagne, flowered ditto of Rouen, silk stockings, English coloured flannels, as no cash ever comes from or goes to either of the said cities.

BUFF, a sort of leather prepared from the skin of the buffalo, which dressed in oil after the manner of shammy, makes what we call buff-skin. It is a considerable article in the French, English, and Dutch commerce at Constantinople, Smyrna, and along the coast of Africa. The skins of elks, oxen, and other like animals, when dressed in oil, and prepared after the same manner as that of the buffalo, are likewise called *buff*, and used for the same purposes.

Buff-hides, to what duties liable. 4 and 5 *Will.* and *Mar. c. 5. f. 2.* 9 *Ann. c. 11. f. 1.*

BUFONITES, in natural history, the *toad-stone*.

This is a fossil that has been received not only among the list of native stones by the generality of authors, but even has held a place among the gems, and is still worn in rings by some people.

It is usually of one uniform colour; but some are found mottled and variegated, the yellowish ones with black, and the brown with a pale greyish colour. Some few are found with a spot in the center, surrounded with a number of concentric circles of various colours. These are the most beautiful of all.

BULGARIA is divided into *Great* and *Little*, or Asiatic and European.

Bulgaria the Great, makes part of the Russian empire, and is bounded on the north by the kingdom of Casan, on the east by Bakhiria, on the south by the Samara, which divides it from the kingdom of Astracan, and on the west by the Wolga.

This territory is so little known to us, that we are scarce certain whether, or by whom it is inhabited; whether it be populous, fertile, &c. or the contrary. Some cities, not inconsiderable indeed, we find towards the western side, as *Bulgar*, the capital, advantageously situated on the Wolga,

Volga, and esteemed amongst the most considerable cities of Russia. It is said, that the mountains of Caf yield plenty of iron, crystal, and other valuable stones.

Bulgaria the Less, is bounded on the west by Servia, on the south by Romania and Macedonia, from which it is parted by a ridge of mountains, called Argentaro, or Cof-tegnaz; on the east it has the Black-Sea; on the north Sanson's maps bound it by the Danube, but, according to Wiffcher's and to Mr. Baudrand, it extends beyond that river. The chief product of this country is cattle, of which there are vast herds.

At *Sophia* the Jews have several synagogues, and drive a very great trade. There are here also about one hundred Roman catholics, with a priest, who says mass publicly; and most of them are merchants of Ragusa, who trade here, as they also do at Belgrade. It is one of the greatest thoroughfares in Turkey, since all they who travel from Constantinople to Ragusa, Venice, or into Hungary, must necessarily pass through this town.

BULK of a Ship, is her whole content in the hold for the stowage of goods.

BULK-HEADS in a Ship, are partitions made across the ship, with boards, by which one part is separated from another.

BULLET, a ball of iron or lead, wherewith fire-arms are loaded.

Bullets are of various kinds, viz. *red bullets*, made hot in a forge, intended to set fire to places where combustible matters are found. *Hollow bullets*, or shells made cylindrical, with an aperture and a fusee at one end, which giving fire to the inside, when in the ground, they burst, and have the same effect with a mine. *Chain bullets*, which consist of two bullets joined by a chain three or four feet apart. *Branch bullets*, two balls joined by a bar of iron five or six inches apart. *Two-headed bullets*, called also angles, two halves of a bullet joined by a bar or chain: these are chiefly used at sea, for cutting of the rigging, cables, sails, &c.

BULLION, is derived from the French *billon*, the ore or metal whereof gold is made: it signifieth with us gold or silver, in mass or billet. 9 *Edw. III. statute 2. cap. 2.* And sometimes the king's exchange, or place whither such gold in the lump is brought to be tried, or exchanged. 27 *Edw. III. stat. 2. c. 14.* 4 *Hen. IV. c. 10.*

Bullion, or foreign coin of gold or silver, may, upon entry, be exported by any persons, without payment of custom or fees. 15 *Car. II. c. 7. f. 12.*

Entered or shipped in the name of any other person, than the true owner and proprietor, forfeited, or the value. 6 and 7 *Will. III. c. 17. f. 14.*

Seized, proof of its being foreign, and not melted down in this kingdom, to lie upon the owner, claimer, or exporter. 6 and 7 *Will. III. c. 17. f. 13.*

And foreign coin imported, may be landed without warrant.

BUNT of a sail, is that part of it which is purposely formed into a bag or cavity, that the sail may contain the more wind.

BUNT Lines, are small lines fastened to the foot of the sail, and reeved through little blocks to the yard. Their use is to haul up the *bunt* of the sail that it may be the more easily furled.

BUOY, a piece of wood, or a cask fastened by a line to the anchor, and floating upon the water. *Buoys* are also placed on sands, rocks, &c. that ships may avoid coming too near them.

BURATES, a nation of Muscovite Tartary, which inhabit along the river Angara, and the lake of Bekal. They are rich in cattle, particularly in beeves and camels, with which the Muscovite caravans, that go to and from China, are commonly provided here, paying their hire in goods, and not in money, of which these people make no account.

The merchandize proper for this place are black slaves, pewter or copper basons, Hamburgers red cloth, otter skins, Persian silks of all sorts of colours, and gold and silver ingots. The largest ox hardly comes to four or five rubles, and the strongest camel to ten or twelve, the ruble on the footing of five guilders, as in Russia.

BURATINE, a species of Persian raw silk.

BURDEN of a Ship, is the number of tons she will carry.

BUREAU, the universal appellation given in France and Flanders, to the principal custom-houses of every province and maritime town, where the duties on imports and exports are levied for the sovereign. That these *bureaus* may be distinguished and attended to by travellers and strangers, the arms of the sovereign or state are generally placed in a conspicuous manner over the doors in most places, especially on the frontiers of different countries. The driving briskly by these *bureaus*, even though the officers should not readily appear to visit or inspect baggage or merchandize, is deemed an insult, and construed into an intention to avoid payment of the duties for some concealed article; and strangers are often brought into great difficulties and trouble on this account.

In all other respects, the word *bureau* means no more than a public or private office or chamber for transacting business.

BURGOMASTER, the chief magistrate of the towns in Flanders, Holland, and Germany. The power and jurisdiction of the *burgomaster* is not the same in all places; every town almost has its peculiar customs and regulations. At Amsterdam there are four *burgomasters*, three of them are chosen every year, one continuing in office two years; but the three last chosen are called the reigning *burgomasters* for that year, and preside by turns after the first three months, for so long the old *burgomaster* presides, that the new ones may be the better instructed and acquainted with their office. They are chosen by the voice of all those people in the senate, who have been either *burgomasters* or *escheyvins*. Their authority resembles that of a lord mayor and aldermen; they dispose of all under offices that fall in their time, and they keep the key of the bank of Amsterdam, the common treasure of so many nations, which is never opened but in their presence; their salaries are but five hundred guilders *per annum*. They are attended on all public occasions, by officers belonging to the town; and all their feasts, public entertainments, &c. are defrayed out of the common treasury.

BURGUNDY. The wines of Dijon, Nuis, Beaune, Pomarre, Chassagne, Maçon, Tonnere, Auxerre, &c. are the principal products of this rich province, and are justly termed the *mother of wine*, not so much for the quantity, as the excellence of its quality. Here are however other commodities, as corn, iron, cattle, wool, hemp, &c. of which the following manufactures are made, viz. from twelve to thirteen thousand pieces of cloth, serges, and other stuffs; the crop of wool amounts to three or four hundred thousand pounds weight; the hides and hats suffice for the use of the inhabitants; here are thirty-two forges for iron, and eight paper-mills: several ingredients for dyeing grow here, and woad in particular flourishes to a miracle; linens are made at Vitau, Saulieu, and Autun, though coarse, and no large quantity; and a few stockings, with some lace, finish the catalogue of the province's productions.

The wine, which takes its name from the province of *Burgundy*, is in the highest estimation throughout all Europe, and forms a very considerable article of commerce in favour of France, not only from the vast quantities exported of the real growth of the province of *Burgundy*, but from the facility of imposing on strangers a variety of different wines from the South of France for *genuine Burgundy*; such as the wine de Chuselane from Montpellier, some of the Languedoc wines, and several others, all of an inferior quality, and of little note or value: whereas the *genuine Burgundy wines*, particularly those from the following places in the province of *Burgundy*, viz. Dijon, Nuis, Beaune, Pomarre, Chassagne, Maçon, Tonnere, and Auxerre, are wines of the first flavour and quality, and bear a considerable price even when purchased on the spot. The inferior wines of the growth of the South of France are often sold on the spot at the rate of three pence *per* bottle, and some for less, and the *best Burgundy* of Dijon, Nuis, or Beaune, is worth two livres the bottle, or twenty-one pence English on the spot.

Yet travellers in general, and even many dealers, are so far imposed on, as to purchase adulterated and common red wines, for *Burgundy*, to the great emolument of the French-wine merchants and vintners; and none are so egregiously duped in this article, as the English, for whose use these re-

marks are extended beyond the compass that the subject might seem to require. Accustomed to the heavy strong wines of Portugal, whose flavour is most frequently lost by adulteration in London, any light wine of an agreeable flavour, and of a fine bright pale red colour, passes with them for *Burgundy*; though on comparing the price with the above account, the imposture will be easily detected. For how is it possible for a vintner in Calais or Dunkirk, for example, to retail *Burgundy* at twenty-five pence, or two livres ten sols, which, if of the first quality, will cost him twenty-one pence at Dijon or Nuis, after which he is to reckon freight, and other considerable expences?

BURIALS. Provisions for burying in woollen. 18 *Car. II. c. 4.* 30 *Car. II. stat. 1. c. 3.*

BURLINGTON. By 8 *Will. III. c. 29 f. 1.* From the first of May, 1697, until the first of May, 1704, the duties herein mentioned shall be paid for the repairing the port or pier of Burlington, viz. One farthing for every chaldron of coals, laden on board any vessel at the port of Newcastle, or at Sunderland, Blythe, Seaton, Sluce, or any other member of the port of Newcastle, which shall be paid to Arthur, lord viscount Irwin, &c.

All monies raised for the duties aforesaid, &c. shall be by the commissioners applied to the repairing the said port or pier of Burlington, &c.

Continued by 1 *Geo. I. cap. 49.* 5 *Geo. I. cap. 10.* for twenty-five years, from the 24th of June, 1730, and 26 *Geo. II.* for twenty-five years, from the 24th of June.

By this act vessels belonging to Great Yarmouth in Norfolk are exempted from this duty, the masters having a certificate, upon oath before the mayor of Yarmouth, that the owners of such vessel, or the greatest part, are inhabitants of that town.

BURNING. See ARSON.

BURNISHING, the art of polishing a metalline body, by rubbing it briskly with a burnisher, or instrument of steel.

The *burnisher* works for the silver-smith. He *burnishes* plate with a tool and with oil and whiting. He works from six to eight; and takes five or ten pounds with an apprentice.

BURROWSTOUNNESS. By 17 *Geo. II. p. 439*, the town of *Burrowstounness*, in the county of Linlithgow in Scotland, is very well situated for carrying on a foreign and coasting trade, for the benefit of the country thereabouts in general, and of the said town in particular, there being many coal and salt works very near; but these advantages cannot be obtained, unless the harbour (which is now in a ruinous condition) be effectually repaired and made commodious for all such persons as shall make use of the same, which will require a very considerable sum of money, and the town hath no revenue to answer the expence thereof. It is therefore enacted, that, after the first day of June, 1744, for the term of twenty-five years, and to the end of the then next session of parliament, there shall be laid a duty of two pennies Scots, or one sixth part of a penny sterling (over and above the duty of excise payable to his majesty, &c.) upon every Scots pint of ale and beer, that shall be brewed, brought in, tapped, or sold within the said town of *Burrowstounness*, or the liberties thereof; and that the said duty shall be made payable by the brewers for sales, or sellers of all such ale and beer, to James Main, James Castles, William Muir, &c. who are hereby appointed trustees for deepening, rebuilding, and improving the said harbour and piers, and also for putting in execution all other the powers by this act given; and the money so to be collected shall be vested in the said trustees and the survivors of them; and shall be applied to the several purposes aforesaid, the reasonable charges of passing this act being first deducted.

The trustees have a power to mortgage the duties for raising of money, &c.

BURSE, an exchange, or place of meeting of merchants. *Jacob.*

BUSHEL, a measure of capacity for dry things, as wheat, pulse, &c. it contains four pecks, eight gallons, or 268,8 cubic inches.

Bushel, Winchester, to be made round, with a plain and even bottom, eighteen inches and a half wide throughout, and eight inches deep. 13 and 14 *Will. III. cap. 5. stat. 28.*

Of foreign salt to weigh eighty-four pounds. 1 *Ann. c. 21. f. 6.*

Of rock salt, sixty-five pounds. 1 *Ann. c. 21. f. 9.*

Of British, or small salt, fifty-six pounds. 7 and 8 *Will. III. c. 31. f. 44.* 9 and 10 *Will. III. c. 44. f. 34.*

Of London, to contain eight gallons of wheat. 31 *Ed. 1. c. 1. f. 1.* 11 *Hen. VII. c. 4. f. 1.* 12 *Hen. VII. c. 5. f. 1.*

BUSS, a small sea-vessel, used by us and the Dutch in the herring-fishery. They call it in Dutch *haering-buys*; these vessels are commonly from forty-eight to sixty tons burthen, and sometimes more. They have two small sheds or cabbins, one at the prow, and the other at the stern: that at the prow serves for a kitchen.

Each *buys* has a master, an assistant, a mate, and seamen in proportion to the vessel's bigness. The master commands in chief, and without his express order the nets cannot be cast nor taken up. The assistant has the command after him, and the mate next, whose business is to see the seamen manage the rigging in a proper manner; to mind those who draw in the nets, and those who kill, gut, and secure the herrings, as they are taken out of the sea. The seamen do generally engage for a whole voyage in the lump.

The provisions which they take on board the *busses*, consists commonly in biscuit, oatmeal, and dried, or salt-fish; the crew being content, in other respects, with what fresh fish they catch. See FISHERIES.

BUTCHERS. The trade of a *butcher* is necessary, though not to be chosen for a boy of delicate sensations, or a promising genius; and yet it requires strength of body, courage, and more skill in the masters than is generally imagined: for they must not only learn to kill without pity, but how to buy a bullock, calf, or sheep standing; to form a judgment of the age, weight, and fatness by the eye, in which they are liable to be deceived, without long experience; and to cut it up to the best advantage. They are divided into several classes; as,

The *carcass-butcher*, who is a kind of wholesale dealer. He buys many live cattle at a time; kills and slays them; and then sells the carcasses whole, ready for cutting up. Some, indeed, sell not only whole carcasses, but halves and quarters. These sell to the poor *butchers*, who cannot afford to buy many live cattle.

The next are the great retailers, who buy their cattle alive, kill and sell them in joints. Some of these sell chiefly beef; others only veal; others mutton and lamb; others only pork; these last are called *hog-butchers*; and many of them sell all sort of meat.

The *butchers* have five or ten pounds with an apprentice; and give a journeyman ten or twelve pounds a year, with his board: but there are very few of these. The slaughtermen are paid by the head; and some of them will earn four or five shillings in a day or night: but theirs is far from being a constant employment.

A *butcher* that selleth swine's flesh meazled, or flesh dead of the murrain, shall for the first time be grievously amerced; the second time, suffer judgment of the pillory; the third time, be imprisoned, and make a fine; and the fourth time, forswear the town. Ordinance made during the reign of Henry III. Edward I. or Edward II. but uncertain when, or in which of their times.

Stat. 4 Hen. VII. c. 3. No *butchers* shall slay any beast within any walled town, except Carlisle and Berwick, on pain of forfeiting for every ox twelve pence, for every cow and other beast eight pence, half to the king, and half to him that will sue.

Butchers shall not kill calves between the first of January and the first of May. 21 *Hen. VIII. c. 8.* Prohibited to keep tan-houses. 22 *Hen. VIII. c. 6.* *Butcher's meat* to be sold by the pound, and the prices limited. 24 *Hen. VIII. c. 3.* 25 *Hen. VIII. c. 1.* 27 *Hen. VIII. c. 9.* But by 33 *Hen. VIII. c. 11.* it may be sold by weight or otherwise.

Statute 2 and 3 Edw. VI. c. 15. If any *butchers* shall conspire not to sell their victuals but at certain prices, every such person shall forfeit for the first offence ten pounds to the king, and if not paid in six days, he shall suffer twenty days imprisonment, and shall only have bread and water for sustenance; for the second offence twenty pounds in like manner, or the pillory; and for the third offence

offence forty pounds, or the pillory, and the loss of an ear, and to be taken as a man infamous, and not to be credited in any matter of judgment. And the sessions of leet may determine the same.

Stat. 1 Jac. I. c. 22. f. 2. No *butcher* shall water any hide, except in June, July, and August, on pain of three shillings and four-pence for each offence. No *butcher* shall put to sale any hide putrified, or rotten, on pain of three shillings and four-pence for each offence in like manner. No *butcher* shall gash, slaughter, or cut any hide of any ox, bull, steer, or cow, in slaying thereof, or otherwise, whereby the same shall be impaired or hurt, upon pain of forfeiting twenty-pence.

Seet. 4. Which penalties shall be divided into three equal parts, one third to the king, one third to the informer, and one third to the town or lord of the liberty.

Stat. 3 Car. I. c. 1. If any *butcher* shall kill or sell any victuals on the Lord's day, he shall forfeit six shillings and eight-pence, one-third to the informer, and two-thirds to the poor, on conviction before one justice, on his own view, or confession, or oath of the witnesses, to be levied by the constable or church-wardens.

Stat. 15 Car. II. c. 8. No person using the trade of a *butcher* shall sell, offer, or expose to sale, by himself or any other, any fat oxen, steers, runts, kine, heifers, calves, sheep, or lambs alive, on pain of forfeiting double value, half to the king, and half to him that will sue.

Stat. 5 Ann. c. 34. f. 2. *Butchers* within ten miles of London not to sell fat cattle alive or dead to one another. But by 7 *Ann. c. 6.* they may sell dead calves or sheep.

Stat. 9 Ann. c. 11. f. 11. If any raw hide shall wilfully or negligently be gashed in the slaying thereof, or being gashed, be offered to sale by any *butcher* or other person, the offender shall forfeit two shillings and six pence for each hide, and one shilling for a calf-skin; half to the poor, and half to the informer; to be levied by two justices.

Seet. 36. Any two justices near the place may, in three months after the offence committed, summon the party accused, and the witnesses; and upon the party's appearance, or contempt in not appearing, on proof of notice given, may examine the witnesses upon oath, and give judgment, and issue warrants under their hands, to levy the penalty by distress; and if not redeemed in six days, the same to be sold. They may also mitigate the penalties, so as they reduce them not less than a fourth part, over and above the costs and charges. And any person aggrieved may appeal to the next sessions, who may finally determine the same; and in case of conviction, issue warrants for levying the penalties.

BUTHE, BUTE, BOOT, is a small island near the coast of Argyle, about ten miles long, and a shirevalty of itself, whose sheriff has also under his jurisdiction the island of *Glotta* or *Arran*; both these isles are tolerably fertile, and their produce of the same nature with that of the other Western islands; *Bute* is besides famous for its herring-fishery, as *Arran* is for the salmon, taken in its several rivers, and for the herrings, cod, and whittings, on its coasts.

BULERAGE and PRISAGE. These are ancient duties payable to the crown of England (by prerogative) upon the importation of wines, but are now, and generally have been, granted from the crown by gift or patent.

Prisage is a certain taking or purveyance of wines to the king's use, out of every ship bringing in wines belonging to the natives of England, except the merchants of London, the cinque ports, Southampton, and Chester, which are exempted by particular charters: to be taken upon the breaking of bulk, or unloading any part of the ship's cargo, according to the whole quantity on board, though there be not more than one ton landed.

This duty is either *single* or *double*.

Single prisage is one ton, and is due in kind, when the quantity imported amounts to, or exceeds ten tons, but is under twenty tons: for if under ten tons, there is not any *prisage* due.

Double prisage is two tons, and is due in kind, when the quantity imported amounts to, or exceeds twenty tons, which is the most due out of any one ship: one ton to be taken before, and the other behind the mast, at the pleasure of the king's butler or *prisage*-master; who may taste

the whole cargo, and chuse the best wines, and fill up the casks, or chule those that are the fullest, and take them away, allowing only twenty shillings *per ton* for freight: but it may be compounded for at a certain price, as is the practice in London, &c.

But in regard to wines imported into Scotland; on a cause in the court of exchequer between her majesty's attorney general and James Gordon, merchant, it was decreed in the year 1713, that prisage was not payable thereon.

Butlerage is a duty of two shillings on every ton of wine imported by merchants strangers, by *charta mercatoria*, in lieu of *prisage*, to be paid within forty days after the wines are landed.

BUTT, a vessel, or measure of wine, containing two hogsheads, or one hundred and twenty-six gallons. A *butt* of currants is from five to twenty-two hundred weight.

BUTTER, the cream, or fattest and most oily part of milk, separated from the serum or whey by churning.

There are as many sorts of *butter*, as there are different milks of animals whereof to make it; but that of the cow is most in use.

Butter and cheese. Stat. 9 Hen. VI. c. 8. To the intent that poor people shall not be deceived in the weight of cheese, it is ordained that the weight of a wey of cheese may contain thirty-two cloves, that is to say, every clove seven pounds by the said weight couching, [that is, bending downwards.]

Stat. 3 and 4 Edw. VI. c. 21. f. 1. No person shall buy to sell again any *butter* or *cheese*, unless he sell the same by retail in open shop, fair, or market, and not in grofs, on pain of double value, half to the king, and half to him that will sue.

Seet. 2. Provided that the word retail, mentioned in this act, shall not be expounded only where a weight of cheese, or a barrel of *butter*, of less quantity, and not above, shall be sold at any time to any person or persons in open shop.

Seet. 3. This act not to extend to innholders or victuallers.

Stat. 5 and 6 Edw. VI. c. 14. f. 3. whosoever shall ingrofs, or get into his hands, any *butter* or *cheese*, to sell the same again, shall be deemed an ingrofsier.

Seet. 7. But the buying of any *butter* or *cheese*, by any licensed badger, lader, kiddier, or carrier, who shall sell or deliver in open fair or market, shall not be deemed regrating.

Stat. 5 Eliz. c. 12. f. 4. No badger, lader, kiddier, carrier, buyer, or transporter of *butter* and *cheese*, shall be licensed to those offices, unless he be or have been a married man, and be an householder, and of the age of thirty years and upwards; and unless it be in open sessions of the county where he hath dwelt for three years last past; and the licence shall continue only for one year.

Seet. 5. And the licence shall bear date of the day and place of the sessions, and be signed and sealed by three justices there, one wherof to be of the quorum, upon pain that every person taking any licence contrary hereto, shall forfeit to the king five pounds, and the licence to be void.

Seet. 6. And the court may take recognizance, that he shall not forestal, nor ingrofs, nor do any thing contrary to the statute 5 and 6 *Edw. VI. c. 14.* against regrating, ingrofsing, or forestalling: the licence and recognizance to be written by the clerk of the peace, or his deputy, and by no other person; for which he shall have for the licence one shilling, for the recognizance eighteen-pence, and for registering them four-pence: for which fee he shall also enter the names and dwelling-places of the persons licensed, and a brief declaration of the licence, with the day, time, and place when granted, in a register-book, which he shall have at every sessions.

Seet. 7. The moiety of the said forfeitures shall be to the king, and the other moiety to him that will sue for the same, in any of the king's courts of record.

Seet. 8. Justices of peace in their sessions shall inquire of and determine these offences by inquisition, presentment, bill, or information, before them exhibited.

Seet. 9. But this shall not extend to prejudice the liberty of a city, or town corporate, but that they may license purveyors for the provision thereof.

Stat. 21 Jac. I. c. 22. f. 6. Nothing in the statutes of the 3 and 4 *Ed. VI. c. 21.* and 5 and 6 *Ed. VI. c. 14.* shall extend to cheese-mongers or tallow-chandlers in London

and Westminster, for what they shall sell for victualling of ships, or what they shall sell in their shops or markets, not exceeding four weights of cheese, and four barrels of butter.

Stat. 7. Provided, that if the justices of the peace in any county in their quarter-sessions, shall declare that the said traders in butter and cheese shall forbear to buy any in such county for any time, and they do buy within that time, and sell the same by retail, they shall not have the benefit of this act.

Continued indefinitely by 3 *Car. I. c. 4.* and 16 *Car. I. c. 4.*

Stat. 13 and 14 Car. II. c. 16. s. 2. Every kilderkin of butter shall contain one hundred and twelve pounds, and every firkin fifty-six pounds neat, or above; every pound containing sixteen ounces, besides the tare of the cask, of good and merchantable butter; and every pot of butter shall contain fourteen pounds neat, or above, besides the weight of the pot; and no butter which is old or corrupt shall be mixed or packed up with any butter made of cream; and every cask of butter shall be of one sort and goodness; and no butter shall be salted with any great salt, but shall be salted and saved with small salt; nor more salt shall be intermixed with it than shall be needful for its preservation: upon pain that every owner, farmer, or packer of butter, not putting up in each kilderkin, firkin, and pot, to be sold or exposed to sale, such quantities as aforesaid, or offending in false packing as aforesaid, for every offence shall forfeit the value of all the butter so false packed; and for every offence where any kilderkin, firkin, or pot shall be found to contain a lesser quantity of butter than as above, six times the value of every pound of butter that shall be wanting, in such cask or pot.

Stat. 3. And every cheesemonger, or other person who sell any kilderkin, firkin, or pot, or other cask of butter, shall deliver therein the full quantity and due quality; or shall be liable to make satisfaction, according to the price thereof.

Stat. 4. And no cheesemonger or other person shall re-pack for sale any butter in any kilderkin, firkin, or other cask, or pot, on pain of forfeiting double value thereof.

Stat. 5. Every farmer and other person, packing up butter for sale, shall pack up his butter into good and sufficient casks, made of sound, dry, and well-seasoned timber, and shall set upon every firkin and cask whatsoever, when the same is thoroughly and fully seasoned in water, a continuing visible mark of the just weight of the empty cask, and likewise set upon every kilderkin, firkin, and cask, when the same is filled with butter, the first letter of his or their Christian name, and his or their surname at length, with an iron brand, on pain of forfeiting for every offence the sum of ten shillings for every hundred weight of butter otherwise packed, and for more or less proportionably.

Stat. 6. And every potter shall set on every pot which he shall make for packing up butter, the just weight of the pot when it is burnt, together with the first letter of his Christian name, and his surname at length, on pain of one shilling; and no person shall expose to sale any butter packed up in a pot not so marked, under pain of two shillings for every such pot: the said offences to be inquired of, heard, and determined in the sessions of the peace for the county, city, borough, town, or liberty wherein such offence shall be committed, by action of debt, indictment, information, or presentment; one half of such forfeitures shall be to the use of the poor of the place where the offence shall be committed, and the other half, with double costs, to him that will sue for the same.

Stat. 7. Every suit and information brought upon this act, shall be commenced in four months after the sale of such butter.

Stat. 32 Car. II. c. 2. s. 9. Butter or cheese shall not be imported from Ireland; but of late years butter has been allowed to be imported from thence.

Stat. Will. and Mar. c. 7. s. 2. No seller of butter shall be charged with any of the penalties in 13 and 14 *Car. II. c. 26.* after the buyer hath bought the butter and approved of it.

Stat. 3. And for preventing any fraud in the seller, after the factor or buyer hath bought the butter, the said factor or buyer shall set his seal, or mark, or name upon

it, or upon the cask; and if it shall be afterwards exchanged or opened, and the cask changed, or any bad butter mixed or packed up with good butter, or any other fraud be committed by the seller, and he be convicted thereof, before one justice, by oath of one witness, or confession, he shall forfeit twenty shillings for every firkin and offence, to be levied by the constable by distress, and to be distributed by the justice, half to the church-wardens and overseers for the use of the poor, and half to the informer.

Stat. 4. Every warehouse-keeper, weigher, searcher, or shipper of butter and cheese, shall receive all butter and cheese that shall be brought to him, for the London cheesemongers, and ship the same without undue preference; and shall have for his pains two shillings and six-pence for every load; and if he shall make default, he shall, on conviction before one justice, on oath of one witness, or confession, forfeit for every firkin of butter ten shillings, and for every wey of cheese five shillings, to be levied by the constable by distress and sale.

Stat. 5. And he shall keep a book of entry of receiving and shipping the goods, on pain of two shillings and six-pence for every firkin of butter and wey of cheese, to be levied and applied in the like manner; and for want of distress, he shall be committed till paid.

Stat. 6. A master of a ship refusing to take in butter or cheese before he is fully laden, shall forfeit for every firkin of butter refused five shillings, and for every wey of cheese two shillings and six-pence, to be levied in like manner.

Stat. 7. One half the said penalties to be paid to the church-wardens and overseers of the poor, and the other half to be distributed by the justice or justices, before whom such offender shall be convicted.

Stat. 8. Cheesemongers may send their own proper vessels, or such other vessels as they shall hire and send from London for their own proper goods, and the warehouse-keeper, where such vessels shall be sent, may ship the said goods on board, and the masters of such ships and their respective servants may receive the same.

Stat. 9. But this act shall not extend to any warehouse in Cheshire or Lancashire.

Stat. 10. Provided that the person aggrieved by the determination of the justice, may appeal to the next sessions, giving twenty pounds, with one or more sureties, to the party, to pay costs, within a month after, if he is not relieved on his appeal.

Regulations for weighing and packing butter in New Malton in Yorkshire. 17 *Geo. II. c. 8.*

BUTTONS. *Statute 13 and 14 Car. II. c. 13. s. 2.* No person shall sell or offer to sale, or import any foreign, bone-lace, cut-work, fringe, band-strings, buttons, or needle-work, made of thread or silk, beyond the seas; on pain that he who shall offer them to sale, shall forfeit the same and fifty pounds, and the importer shall forfeit the same and one hundred pounds, half to the king, and half to him that shall sue for the same.

Stat. 3. And upon complaint and information given to a justice of peace, at times reasonable, he shall issue his warrant to the constable, to enter and search for such manufactures in shops being open, or warehouses, and dwelling houses of such persons as shall be suspected, and to seize the same.

Stat. 4. All suits for any offences against this law, shall be brought within twelve months after the discovery of such offence.

Repealed in part, as to bone lace, by 5 *Ann. c. 17. s. 1.* *Stat. 4 and 5 Will. and Mar. c. 10. s. 2.* No foreign buttons made of hair, or other foreign buttons, shall be imported, fold, or exchanged, upon pain to forfeit the buttons, and under such further penalties as are expressed in *statute 13 and 14 Car. II. c. 13.*

Stat. 3. The justices of peace shall have the same power to issue their warrants to seize all foreign buttons, as by the said act is given them to seize foreign buttons made of thread and silk.

Stat. 10 Will. III. c. 2. No persons in England, Wales, or Berwick, shall make, sell, or set on any clothes, any buttons or button-holes made or bound with cloth, serge, drugget, or any other stuffs, of which clothes are usually made; or any buttons made of wool only, turned in imitation of other buttons, on forfeiture of forty shillings for every dozen of buttons so made, fold, or set on, and like propor-

proportion for a lesser quantity; one moiety to the king, the other to the prosecutor.

Stat. 8 Ann. c. 6. No taylor or other person shall make, set on, sell, use, or bind on any clothes, any *buttons* or *button-holes*, made or bound with serge, or other stuff, of which clothes are usually made, on pain of five pounds for every dozen of *buttons* or *button-holes*, one moiety to the crown, the other to him who will sue for the same: or the justices may by warrant levy the penalty, upon conviction of the offender by one witness; but the party aggrieved may appeal to the next quarter-sessions, and shall have costs.

Stat. 4 Geo. I. c. 7. s. 1. No taylor or other person, shall make, sell, set on, use, or bind any clothes, *button*, or *button-holes*, made or bound with cloth, serge, drugget, frize, camlet, or any stuff that clothes are usually made of, on forfeiture of forty shillings for every dozen of such *button* and *button-holes*, so made or in proportion for a lesser quantity: and every person being thereof convicted, upon oath of one witness, shall forfeit as aforesaid.

Seet. 2. Nothing in this act shall extend to clothes made of velvet.

Seet. 3. Persons inhabiting in any gaol or house of correction, or in any privileged place, offending against this act, and being convicted, shall be subject to the penalties.

Seet. 4. Offences against this act shall be prosecuted within three months.

Seet. 5. Offences against this act shall be heard and determined by one justice of peace of the county, &c. where the same shall be discovered, or where the offender dwells (such justice not being concerned in the matter) upon the oath of one witness. And one moiety of the forfeitures, the charge of conviction deducted, shall be paid to the informer, the other to the poor of the parish where the offence shall be discovered. And if any offender shall refuse to pay the forfeitures, for fourteen days after conviction, such justice shall issue his warrant to the constable, to levy the same by distress and sale of goods; and for want of distress, to commit the offender to the common gaol, there to be kept three calendar months to hard labour.

Seet. 6. If any person find himself aggrieved by the justice's order or warrant, he may appeal to the quarter-sessions, and costs shall be allowed to the party grieved, to be levied as in other cases of appeals.

Seet. 7. If any action is commenced against any person so prosecuted, he may plead the general issue; if the plaintiff be non-suited, &c. the defendant shall have treble costs.

Seet. 8. All wearing-garments made with *buttons* and *button-holes* of the same clothes, &c. and exposed to sale, shall be forfeited and seized, and applied to the uses in this act.

Seet. 9. If any taylor or other person shall cause his servant to make any clothes contrary to this act, he shall be subject to the penalties; and this act shall be a public act.

Stat. 7 Geo. I. c. 12. s. 1. It shall not be lawful for any person to use or wear any clothes, *buttons*, or *button-holes*, made of, or bound with cloth, serge, drugget, frize, camlet, or any stuffs whereof clothes or wearing-garments are usually made; and if any person shall use or wear such *buttons* or *button-holes*, such person being convicted in manner hereafter mentioned, shall forfeit for every dozen of such *buttons* or *button-holes* forty shillings, or in proportion for a lesser quantity.

Seet. 2. It shall be lawful for one justice of peace of the county or place where any offence shall be committed against this act, or where such offender shall inhabit, upon oath of one credible person, to summon the party accused, and upon his appearance or contempt, to proceed to the examination of the matter, and on due proof made, either by confession of the party, or such oath, to determine the same, and to convict the offender, and to cause the penalties, on the offender refusing to pay the same on demand, by warrant to be levied by distress and sale of goods, rendering the overplus; and one moiety of the forfeiture shall be to him on whose oath the person shall be convicted, and the other to the poor of the parish where such offence shall be committed.

Seet. 3. Persons aggrieved by the order or warrant of such justice, may appeal to the next quarter-sessions, giv-

ing eight days notice, which sessions are to hear and determine the same, and their judgment shall be final.

Seet. 4. Offences against his act shall be prosecuted within one month after such offence committed.

Seet. 5. This act shall not extend to clothes made of velvet.

Seet. 6. Persons sued may plead the general issue, &c. and on a verdict, &c. recover treble costs.

Seet. 7. This act shall be a public act.

BUTTON-MAKER. The greatest part of the mohair, silk, and horse-hair buttons are made in the country, and sent up to the shops in town; those made here are chiefly livery buttons, or some patterns particularly bespoken. Those who work at this branch are chiefly women, who are paid by the dozen, and are able to get but a poor living.

The boy or girl designed for the business of making gold and silver buttons, ought to have some fancy and genius, that they may be able to invent new fashions; they should also have good eyes and a dry hand. The laceman furnishes them with all the materials for his buttons, except the moulds, and pays for the work when done. They take with apprentices five or ten pounds, and may earn twelve or fifteen shillings a week: women and girls are principally employed.

There is another species of *button-maker*. These make them of metal, in variety of patterns; they are now much in use, and are mostly made in the country by the artificers in hard-ware, and sold at the shops where their other articles are vended. This branch requires neither much strength nor ingenuity; the buttons being punched or stamped with a tool on which is marked the ornamental impression of the button. They take from five to ten pounds with an apprentice, and give but poor wages to journeymen. There are other kinds of buttons, in which stones are set; the making of these is a branch of the jeweller's business.

BUTTON-MOULD-MAKER. This employment requires very little education or skill. The moulds are made of horn or wood by an hand-engine. It is a very poor business, and requires so little to set up, that we imagine there are few or no journeymen. Their apprentices are generally the children or orphans of the lowest poor; and they therefore have nothing, or only what the parish gives with them: though, we make no doubt, but with sobriety and industry, they can get a comfortable living.

BUTTON-SELLER. These are shop-keepers; who deal in all sorts of buttons covered with silk, mohair, horse-hair, or worsted. They generally sell sewing-silk, thread, twist, and other little materials used by the taylor. It is a good shop-keeping business, and in but few hands. Some employ a great number of people to work for them; and have been known to raise good estates. They require with an apprentice from twenty to fifty pounds, in proportion to the master's circumstances in trade. A young man ought to have at least three hundred pounds to enable him to set up master, and may employ four times as much.

BY-LAW, (from the *Gothic. by, pagus, and lagen, lex*) is a private law made by those who are duly authorized thereunto, by charter, prescription, or custom, for the conservation of order and good government within some particular place or jurisdiction. *Moor. 584, 585. 5 Co. 62.*

A power of making *by-laws* is included in the very act of incorporating, and incident to every corporation aggregate, without express words in the charter; and all *by-laws* must be ever subject and squared to the rule of the general law of the realm, as subordinate to it. *Hob. 211.*

By the *stat. 19 Hen. VII. c. 7.* it is enacted, that no ordinance shall be made in diminution, or to the disinheritation of the prerogative of the king, nor against the common profit of the people, unless they are examined and approved by the chancellor, treasurer of England, chief justices of either bench, or three of them, or both justices of assize in their circuit, where the ordinance is, &c. nor shall restrain any to sue to the king against such ordinances. *See 1 Roll. Abr. 363. 5 Co. 63. Comb. 222.*

The inhabitants of a town, without any custom, may make *by-laws* for the repair of their church, high-ways, or such other things which is for the public good; and in such cases,

cases, the greater part, without any custom, shall bind all. 5 Co. 63. Mo. 579. Broun. 288. Hob. 212. 1 Mod. 194.

If there be a corporation made, and incorporated by the name of mayor and commonalty, and by the charter the mayor is appointed to be chosen by the commonalty, and in the said charter there is a power given to them to make *by-laws*, for the better order and government of the said corporation, they may make a *by-law*, that a select number of the commonalty shall be chosen by whom the mayor shall be chosen, for avoidance of popular confusion. 4 Co. 78. Jenk. Rep. 273. S. C.

If a *by-law* is made by the company of vintners in London, that every freeman of the said company, who shall be chosen and admitted to be a livery-man, shall pay thirty-one pounds thirteen shillings and four-pence, &c. this is a good *by-law*; for this being a degree of pre-eminence to which men of substance only are raised, and there being a necessity for money to support the honour and reputation of the company, were the sum more or less, it could not make the *by-law* void, while it binds only the members of the corporation; for when a man doth agree to be of a company, he doth thereby submit himself to the laws thereof. Raym. 446. Comb. 221.

A *by-law* made in London, that no freeman chosen sheriff, &c. shall be excused, unless he voluntarily swears he is not worth ten thousand pounds, and bring six other citizens to vouch in like manner, on their oaths, that they believe it to be true; if he openly refuses to take the office, then to forfeit the sum of five hundred pounds, viz. four hundred pounds to the city, and one hundred pounds to the next man that shall hold the office; held a good *by-law*. 1 Salk. 142. Carth. 480. S. C.

A new corporation, not having any prescription to appropriate to themselves, and exclude others, cannot make a *by-law* to exclude all persons from using an art or trade in their town to which they were not apprentices in the same town, though they have served as apprentices to it in another place. 1 Roll. Abr. 364. Hob. 211, 212.

Therefore if a corporation make a *by-law*, that none shall use the art of weaving within the corporation, who has not served seven years as an apprentice there, or who has not exercised that trade there for five years before the making of the *by-law*, nor unless he be allowed and approved of by the wardens of the company, this is a void *by-law*; for any person may lawfully follow what trade he pleases, and where he pleases, unless prohibited by the general law of the land. Hob. 211. Hut. 6. S. C. Moor 869. S. C.

So where a corporation of taylors in Ipswich made a *by-law* that none should exercise the trade of a taylor in Ipswich, *qui non fuerit allocatus per legale warrantum auctoritate datum* by the said corporation, or three of the masters and wardens; nor should set up any shop for this art, nor exercise it until they presented themselves to the master, &c. or three of them, or proved that they had served in this trade as apprentices for seven years. 11 Co. 53, 54.

So where the town of Bedford made a *by-law*, that none, except freemen, should exercise any art or mystery within the corporation; which not being founded on any custom they had of excluding foreigners, was held void. 1 Lutw. 562.

If the merchant-taylors of London, by virtue of their charter, made a *by-law* that no merchant shall put his cloth to be dressed, but to a cloth-worker of their company, this is a void law; for it is against reason and the general liberty of the subject, to be restrained from putting his work to whom he pleases. 1 Roll. Abr. 364.

So a *by-law* in London, that none shall bring any sand, nor sell nor use any within the city or suburbs, but only that which is taken out of the river Thames, &c. is void; because it is against reason that a freeman should be restrained from merchandizing and selling; and this may concern the inheritance of some who may have sands in their land. Godb. 106, 107.

If the city of London make a *by-law*, that no person shall follow the profession of a dancing-master within the city, who is not a freeman of the company of musicians, this is void *by-law*; for if he be free of any other company, it is sufficient; and the obliging a man to be free of a particular company, when he has no remedy to compel that company to admit him, is creating a kind of mo-

nopoly in such company, and putting a certain number of men under the final jurisdiction and power of others. 5 Mod. 104.

But if an ordinance be made in London, by the common-council (who have power by custom, which is among other customs confirmed by act of parliament, by general words) that if a freeman, citizen, or stranger, within the city, shall put any broad-cloth to sale, within the city of London, before it be brought to Blackwell-hall to be viewed and searched, so that it may appear to be saleable, and the hallage be paid for it, *scilicet* one penny for every cloth, that he shall forfeit for every cloth six shillings and eight-pence, this is a good ordinance, as well to bind strangers as freemen, because it is made to prevent fraud and falsity in cloth, and for the better execution of the statutes without deceit; and the one penny for hallage is but a reasonable recompence of charge, for the benefit which the subject hath by it. 5 Co. 62. 1 Roll. Abr. 365. S. C.

If in London there is an act of common-council made, that the brick-layers shall not plaister with lime and hair, but with lime and sand only, and that plaistering with lime and hair shall belong to the plaisterers, under the penalty of, &c. (admitting this before to have been part of the trade of the brick-layer) the *by-law* is void; for though they have *regimen personarum* in their manufactures, yet this power extends only to their demeanour in their trade, and not to annex that to one trade which before belonged to another. Palm. 395.

But if a *by-law* is made by the corporation of throwsters in London, that none shall have such a number of spindles in one week, this is a good *by-law*; for it is not in restraint of trade, but to make a more equal distribution of it. 1 Lev. 229.

If the company of horners of London, being incorporated by letters patent, and impowered to make *by-laws* for the better government of their corporation, make a *by-law*, that two men by them appointed shall buy rough horns for the said company, and bring them to the hall, there to be distributed every month by the master, &c. for the use of the company; and that no members of the company shall buy rough horns within twenty-four miles of London, but only of those two men appointed, under the penalty, &c. this is no good *by-law*; for they being a company incorporated in the city of London, have no jurisdiction elsewhere, and may as well extend their power over England, as for twenty-four miles. 3 Mod. 159.

A *by-law*, that all strangers coming into the port of London, should employ city porters to carry their goods, &c. is naught: but they may make a *by-law* that none but freemen shall be porters; but to confine strangers to none but such as are city-porters is unreasonable; for if the city will appoint no porters, they have no remedy against the city; also strangers cannot know who are city-porters, nor compel them to serve them. 1 Salk. 143. See 1 Salk. 192, 193.

By-laws are usually made with certain penalties, which regularly are to be recovered by action of debt, or may be levied by distress. 5 Co. 64.

But a *by-law* with a penalty of imprisonment, or forfeiture of goods and chattels, is void; for by the general law of the kingdom, no man is to be imprisoned, or dispossessed of his goods and chattels, *nisi per legale iudicium parium suorum vel per legem terræ*; and were by laws with such penalties allowed, it would be enabling corporations to set up private particular laws in contradiction to the laws of the land; which would be against the very nature and essence of a *by-law*, which though it may be *præter* the general law of the realm, it cannot be *contra*. 5 Co. 64. 8 Co. 127, 2 Inst. 54. Moor 411. S. P.

If the company of taylors in the city of Exeter, being incorporated by letters patent of Edward IV. and having thereby power given them to make *by-laws*, make a *by-law* under a certain penalty, to be levied by distress and sale of the offender's goods, this is no good *by-law*; for the forfeiture cannot be levied by sale of the offender's goods. 1 Vent. 182.

If in London a *by-law* is made, that if any freeman takes the son of an alien to be his apprentice, the bond and covenants shall be levied, this is no good *by-law*; for though the common-council might have inflicted a fine or other punishment upon such master, yet they cannot make the bond and covenants void. Moor 411.

C.

C A B

C, THE third letter of the alphabet, and a numeral letter for 100 among the Romans, according to this verse,

Non plus quam centum Clitera fertur habere.

Among the French, C signifies *compte*, account; CO, *compte ouvert*, open account; CC, *compte courant*, account current; MC, *mon compte*, my account; SC, *son compte*, his account; LC, *leur compte*, their account; NC, *notre compte*, our account, &c.

CABALISTE, a term of commerce, used at Thou-louse, and in the whole province of Languedoc, signifies a merchant, who does not trade in his own name, but is concerned in the trade of another merchant in chief.

CABECA, or **CABESSE**. The Portugueze, who carry on the trade of silks in the East-Indies, distinguish them by the names of *cabeca* and *bariga*; that is, *head* and *belly*. The *cabeca* silks are the finest; the *bariga* are from fifteen to twenty *per cent.* inferior to them. The Indian workmen endeavour to pass them off one with the other, and there is hardly a bale of *cabeca* but what is mixed with a great deal of *bariga*; for which reason the more experienced European merchants, who carry on that trade, take care to open the bales, and to examine all the skains one after another. The Dutch, who have a great trade in those silks, distinguish two sorts of *cabecas*, namely, the *moor-cabessa*, and the *common cabessa*. The former is sold at Amsterdam for about 21½ schellings gros, or Flemish; and the other for about 18.

The ancient Portugueze, who had extended their trade in the East-Indies, introduced amongst the merchants of those countries, that is, among the Banians and the Chinese, the distinction of the best and the worst merchandizes, by the comparative names of *head* and *belly*; for as they looked upon a man's head as the noblest, and the belly as the vilest, part of his body, they did the same with regard to merchandize (with a design, perhaps, to be better understood by the Indian merchants) styling the best the *head*, and the worst the *belly*, of the same sort, or kind, of merchandize. This custom has continued to the present time in the Indies; and the European nations, who trade there, follow that custom of distinguishing the merchandizes in buying or selling, to make themselves the better understood by the Banians and Chinese.

CABEER, a money used for accounts at Mocha, of which eighty are worth about two shillings and six-pence sterling.

CABIDOS, a Portugueze long measure, equal to three-fourths of an English yard.

CABINDA. See **AFRICAN COASTS**.

CABINET-MAKER. The youth intended for this business ought to be able to write a good hand, understand arithmetic, and have some notion of drawing and designing. It requires more ingenuity than strength; a nice eye and light hand are absolutely necessary, as he is by far the most curious workman in the wood way. His success as a master must depend on the delicacy of his fancy, and the neatness of his work. All sorts of furniture made of mahogany, walnut-tree, plain, carved, veneered, or inlaid, go through his hands. The carvers, chair-makers, and dealers in brass ornaments, are employed by him, and he has a profit out of their labours. Those who work only for the shops, and keep no goods by them, take ten pounds with an apprentice, who, when out of

C A B

this time, may commence such another master, with only a chest of tools of the value of eight or ten guineas and a little wood; but they who keep shops and vend their own goods to the consumer, or for exportation, have more with a lad, who will require a few hundreds, if he sets up in the same manner.

CABLE, a thick, large, strong rope, commonly of hemp, which serves to keep ships at anchor; but these are commonly called crane-ropes, and are of different sizes. It is also said of ropes which serve to raise heavy loads, by the help of cranes, pulleys, and other engines. The name of *cable* is usually given only to such as have at least three inches in diameter; those that are less are only called ropes, of different names, according to their use.

Every *cable*, of what thickness soever it be, is composed of three strands, every strand of three ropes, and every rope of three twists; the twist is made of more or less threads, according as the *cable* is to be thicker or thinner.

Cables that are too much twisted burst very easily; and, when they are spun soft, that is, not sufficiently twisted, they break.

The number of threads, of which a *cable* ought to be composed, is always proportionable to its length and thickness; and it is by the number of threads that compose it, and make its diameter and circumference, that one may judge of its weight, and consequently make an estimate of its value, which is an expeditious way of computing the worth of cordage.

A TABLE of the number of threads of which a cable must be composed, with regard to its circumference, from three inches to twenty, and from 48 threads to 1943.

Inches.	Threads.
3	48
4	77
5	121
6	174
7	238
8	311
9	393
10	485
11	598
12	699
13	821
14	952
15	1093
16	1244
17	1404
18	1574
19	1754
20	1943

In order to find by this table, how much a *cable* of a certain given length ought to weigh; for instance, a *cable* between 110, 120 fathoms long, you must measure the thickness of the *cable* in its circumference, and look into the table, to see how many threads it must be composed of, with regard to that circumference; then multiply by four the number of threads you have found, because each thread, for making a *cable* of the proposed length, weighs about four pounds; and the product of that multiplication will give you very near the weight of the *cable*.

Thus a cable of 20 inches in circumference, which, according to the table, must have 1943 threads, will weigh 7772 pounds.

A TABLE to estimate the weight of a cable, by its circumference.

Inches.	Pounds.
3	192
4	308
5	484
6	696
7	952
8	1244
9	1572
10	1940
11	2392
12	2796
13	3284
14	3808
15	4372
16	4976
17	5616
18	6296
19	7016
20	7772

By the two foregoing tables may be also found how many threads are required in every rope, according to the thickness one would give to a cable. For instance, for a cable of three ropes, which is required to be made eighteen inches in circumference, you must put five hundred and fifty threads in each rope, observing, however, that, if you would make the cable something tighter, or closer than ordinary, it will be both shorter and thinner; and if, on the contrary, you make it looser, it will be longer and thicker.

It seems that, in the instance given above, which was according to the notions of the Sieur Aubin, we should put the word strand instead of rope, since a cable being composed of three strands, and each strand of three ropes, it makes nine ropes for every cable; and, at that rate, the number of threads does not agree with the ropes, but with the strands, the latter being really composed each of five hundred and fifty threads, or thereabout, and the ropes, reckoning nine to each cable, can have but about one hundred and eighty-three threads each.

There is no merchant-ship, though never so weak, but has at least three cables; namely, the chief cable, or cable of the sheet anchor, a common cable, and a smaller one. The length of these cables is commonly from a hundred and ten to a hundred and twenty fathoms.

By *stat. 21 Hen. VIII. c. 12. §. 2.* No person dwelling within five miles of the town of Burport, in the county of Dorset, shall sell out of the market, holden within the said town, any hemp which shall grow within the said five miles, upon pain of forfeiture of the hemp.

Stat. 3. No persons other than such as shall dwell within the said town, shall make, out of the said town, any cables, halsters, ropes, traces, halters, or other tackle made of hemp, within five miles of the said town, upon pain of forfeiture of the said cables, &c.

Stat. 4. Twenty pounds weight shall be accounted the stone.

Stat. 5. Every person dwelling within the said distance may make cables, and other tackle for their own use. This act to endure to the next parliament. Continued indefinitely by *3 Car. I. c. 4. 16 Car. I. c. 4.*

Stat. 35 Eliz. c. 8. §. 3. If any person shall make cables of old or overworn stuff, which shall contain above seven inches in compass, every person so offending shall forfeit four times the value. And if any person shall tar any halsters, or other cordage, made within this realm, of such old and over-worn stuff, being of lesser assize, and not containing in compass seven inches, and by retail put to sale the same, being so tarred, every person so offending shall forfeit the treble value, &c.

Stat. 4. Every person which shall offend against this act, shall be imprisoned during her majesty's pleasure.

Stat. 6 Ann. c. 29. §. 13. Foreign cordage, or cable-yarn imported, upon exportation shall have no allowance, or drawback of duties.

As cables are one of the principal safe-guards to shipping, and the lives of mariners, too much care cannot be taken by all interested in marine commerce, of this article in particular, and that the above statute of Elizabeth should be duly executed; having being well informed, that many rogueries are daily practised in the business of rope-making, which occasions great losses to our merchants and insurers.

CABLE's length, signifies one hundred and twenty fathoms.

CABOTAGE, is a term in navigation, which implies a complete skill in distinguishing the proper places to anchor at, and avoiding banks, and observing the course of the tides and currents along the sea-coasts; it also means that particular navigation which is confined to sailing from port to port along the same coasts, without stretching away to sea. Some states, to encourage their own subjects in the coasting-trade, exclude strangers from this branch of navigation, or impose a duty on each foreign vessel navigating from port to port in their dominions.

CABUL. Although Cabul, or Caboul, depends on the Great Mogul, and not on the chan of Balck, it will be proper to say something concerning the flourishing trade maintained between the subjects of these two provinces. Cabul, situated at the foot of the southern mountains, which separate the estates of the Great Mogul from the Grand Boucharie, (which see) is one of the finest cities to the north of India; it is large, rich, populous, and because it is considered as the key of the Grand Mogul's territories, towards Persia, and the Grand Boucharie, it is always carefully kept in a good state of defence.

This city is the staple of all the merchandize that passes to the Indies, Persia, and the Grand Boucharie. The subjects of the chan of Balck come here in throngs with slaves of both sexes, and, above all, with Tartarian horses, of which so great a trade is driven in this city, that it is pretended here come yearly more than sixty thousand. The neighbourhood of Cabul is very fertile, and all that is necessary for life grows here in abundance, and is very cheap.

CACAO, or COCOA, in natural history, is a kind of nut growing on a tree, common in the West-Indies.

The cacao or chocolate-nut is a fruit of an oblong figure, which resembles a large olive in size and shape, but rather thinner in proportion to its length, and in some degree approaching to the almond or pistachia-nut: it is larger however than either of these last. It is composed of a thin but hard and woody coat or skin, of a dark blackish colour, and of a kernel within this, filling up its whole cavity, fleshy, dry, firm, and flattish to the touch, of a dusky colour, with a mixture of reddish on the surface, and of a greyish brown within. It is composed of several irregular and unequal parts, which however cohere firmly enough together, and is of a very fragrant and agreeable smell, and of a pleasant and peculiar taste, with something of the acerb in it.

The tree which produces the cacao is of the number of the *polyadelphia pentandria* of Linnaeus, and of the *arbores pomiferæ fructu cortico molliore* of Mr. Ray. The trees, which afford four different kinds of it, are no otherwise different from one another than in their different height and the thickness of their leaves, and largeness or smallness of their fruits; and as these are differences that may easily be conceived to arise from the different soil and situation in which the tree stands, there are but little grounds for supposing the trees different in species. The cacao-tree is very tall, but grows very regularly, and is in its natural form very beautiful, and peculiarly so when loaded with its fruit. Its stem is of the thickness of a man's leg, and grows but to a few feet in height. Its bark is rough, and full of tubercles: its leaves are six or eight inches long, half as much in breadth, and pointed at the ends. The flowers stand on the branches, and even on the trunk of the tree, in many places in clusters, and each has its own pedicle, which is an inch, or sometimes considerably less in length. They are small, of a yellowish colour, and are six or eight inches in length, and three or four in thickness. It has, in the manner of our melons or cucumbers, nine or ten ridges running its whole length, and is very rough and full of little protuberances between them; it terminates finally in a point. It is at first of a whitish green, and afterwards it grows yellowish, and when fully ripe

ripe it is purple, but still has many spots of yellow remaining on it. It grows on a pedicle the thickness of a goose-quill. When cut transversely, it is found to consist of two several barks or rinds, the cover of which is thick and yellowish; the inner one is whitish, and much thinner than the other; these, together, form a cavity, within which lodge the *cacao-nuts* already described, usually about thirty in each fruit. This tree flowers twice or three times in the year, and ripens as many series of fruits. It is frequent in New-Spain, and some other parts of America, and thrives best in shady places, woods, and thickets. The great value of the fruit, however, has taught the people to cultivate it in great abundance, and it well rewards their toil, though the fruit is never so fine as when it grows wild in the forests.

Cacao-nuts, chemically analysed, yield, by distillation in the retort, a moderate quantity of an acrid phlegm, giving proofs of its containing both an acid, and an alkaline salt, but it yields its oil in greater quantity. This oil is thin and pellucid, while warm in the vessels, but afterwards congeals into an opaque matter as thick as butter, and of an acrid taste and pungent smell, and reddish colour. The black coal remaining in the retort will yield, by lixiviation, about a dram and a half of fixed salt from a pound of nuts. They abound so vastly in oil, that it is not only by distillation that they yield this vast quantity of it, but they easily part with it in abundance by expression, and by boiling: near a third part of the nuts may be obtained in oil by these methods, first bruising and pressing them warm, and after all the oil is separated that way, boiling them till a fresh quantity swims on the water.

Chocolate, or any other preparation of the *cacao-nut*, is very nourishing; but it is an incrassant, and therefore is not to be taken too freely. The Mexicans mix spices of several kinds with it in making their chocolate from it, and in Europe we generally mix vanilla's with it, and sometimes ambergris and cinnamon. People who are very nice in the manufacture of their chocolate, and understand the choice of the nuts, do not use the Nicaragua kind alone; because they esteem it too dry, but mix about half the quantity, or a little less, of the Antilles *cacao*, which is fatter, with it; and find the chocolate vastly better this way, than if made of either kind alone. Chocolate is restorative, stomachic, and is, by many, reckoned a provocative. The more the nut has been heated in the making into chocolate, the more heating it is in the body, and the less nutritive. It has been sometimes prescribed as an ingredient in the restorative electuaries, but the far better way is that of taking it in the common liquid form.

The trade of cacao at Amsterdam.

The *cacao* of the Carraccas is sold at Amsterdam for eight stivers and a half *per* pound, more or less; when it is in casks, they allow so much for tare; but, when in bales, the tare is according to the weight. From 100 to 229 pounds, the tare is reckoned two pounds; from 230 to 249, three pounds; from 250 to any weight above that, four pounds. The ferons to 99 pounds weight, give 8 pounds tare *per* feron: those of 100 pounds and above, 10 *per cent*.

The *cacao* of Martinico is commonly in casks, which are tared by the weight; if it be in bags, the same tare is allowed, as for that of the Caraccas. See CHOCOLATE and COCOA.

CACHALOT, a large fish of the whale species, but differing considerably from the common whale, having teeth like those of a mill-wheel, in general, short, flat on the surface, and of the thickness of a man's wrist. These teeth are hardly distinguishable from ivory, when manufactured into toys, and turnery-ware. It is from the brain of this fish that the *sperma ceti* is extracted, which is the reason it is commonly called the *sperma ceti whale*.

CACHEMIRE, is a small kingdom, hardly thirty leagues long, by twenty broad, and so closed in by high mountains, which separate India from the Grand Tartary, that there is no entrance to it, on any side, without passing rocks of a prodigious height; it is almost one continued valley, whose fertility and beauty make ample amends for the smallness of its extent, as all sorts of fruit and pulse that we have in Europe grow here abundantly, without the trouble of cultivation.

The *Cachemirians* are very industrious, and possess the secret of making the lacquered wares, and light woollen stuffs with borders, so much esteemed in India. The river Amu, or Abiamu, which has its source to the north-north east of this kingdom, and runs by it, is full of all sorts of fish, and its borders quite charming, on which grow those excellent melons, and all those other delicious fruits, which are so much in request in Persia and India, and which are transported even to Russia.

CADE of herrings, is five hundred; of sprats, one thousand. *Book of rates*. Yet we find anciently six hundred made the *cade* of herrings, six score to the hundred, which is called *magnum centum*.

CADENE, the smallest sort of Turkey carpets, of very little value, and not much known in England.

CADIS. There are three different sorts of woollen stuffs under this denomination. The slightest, narrowest, and shortest are made in the Gevaudan and the Cevennes; these are of little value: they are about half a yard wide and thirty ells long. The next species is a superior quality, fabricated in Languedoc, chiefly for the use of the religious orders, and is generally black or white, and resembles a German serge. These measure from thirty-eight to forty-two ells. The third sort, which is the best, is a kind of drugget, very substantial, well napped, and chequered of different colours; they are three-fourths of an ell wide, forty ells long, and are manufactured in the province of Poitou.

CADIZ is a royal city of the province of Andalusia in Spain. Its advantageous situation for maritime traffic, drew in formerly a series of other nations, such as the Phœnicians, Babylonians, Egyptians, Phocians, and other Greeks, and afterwards the Carthaginians and Romans, who were all possessed of it by turns, though the Romans longer than any other. The spaciousness of the harbour, it being surrounded by the sea, seated upon the ocean, so near the Mediterranean, and within so short a passage over to Afric, made it of such consequence, that whatever nation was possessed of it, did still endeavour to add something to its strength and grandeur.

What renders *Cadiz* the more considerable at present, is its convenient situation for the reception of all merchandizes sent by the several European nations thither, in order to go by the galleons and flota to Spanish America afterwards; these Spanish bottoms being the only authorized by his catholic majesty for that purpose.

The council of the Spanish West-Indies at Madrid has the sole control of this important affair; and they appoint the tribunal of contraction resident at Seville, for the due care and inspection of the galleons and flota at *Cadiz*, at their outlets, and return from America, in order to prevent all frauds in the royal revenues of Spain.

CADMIA *Antiquorum*, the *cadmia* of the ancients. There were two sorts of it, the *cadmia nativa*, and the *cadmia fasciata*. We are to rank the former only among copper ore; the latter, whose virtues the ancients were so fond of in medicine, was acrement of copper produced in the furnaces, where that metal was separated from its ore, and driven by the blast of the bellows against the sides and roof of the furnaces, or collected in their chimnies. Of this *cadmia* they distinguished several kinds, according to their different degree of fineness, and the forms in which they concentered: these differed both in texture and colour, according to the parts of the furnace to which they adhered.

All these kinds of *cadmia* are out of use, and unknown in the shops at this time, having been found inferior in virtue to the modern tutty.

The ancients in general have related wonders of the virtues of their several kinds of *cadmia*, as absorbents and deffecatives. They tell us that, in diseases of the eyes, collyriums prepared with them scarce ever fail of curing, and, if one could believe what they add of their virtues in wounds and ulcers, we should be apt to think that many of the terrible operations of their chirurgery might have been spared.

CAERMARTHENSHIRE affords a greater plenty of all things than many other counties in Wales, as it abounds in corn, cattle, and salmon; has pits of coal, and mines of the best lead; besides which the dairying business, having been greatly improved of late years in South-Wales, but

but more especially in this part of it, the town of Caermarthen is become the staple for it, from whence is shipped about fifteen thousands firkins of butter for London yearly.

CAFFILA, a company of merchants, or travellers, or rather a company composed of both, who join together, in order to go with more security through the dominions of the Grand Mogul, and through other countries on the continent of the East-Indies.

There are also such *caffilas*, which cross some parts of the deserts of Africa, and particularly what is called the *Sea of Sand*, which lies between the kingdom of Morocco and those of Tombut and Gago. This is a journey of four hundred leagues, and takes up two months in going, and as many in coming back, the *caffila* travelling only by night, because of the excessive heat of that country. The chief merchandizes they bring back consist in gold-dust, which they call *atibar*, and the Europeans *tibir*.

The *caffila* is properly called a *caravan* in the dominions of the grand signior, in those of the king of Persia, and in other parts of the East. See **CARAVAN**.

There is, however, some difference between a *caffila* and a *caravan*, at least in Persia. The *caffila* belongs properly to some sovereign or lord, or to some powerful company of Europe, by which effects, or merchandizes, are carried from one place to another, by means of camels, horses, mules, or asses, which go together in a file, or one after another. It is always led by an officer, who is at the head (as in caravans) under whom are the cameliers, muletiers, &c. with some soldiers, all well armed, who escort the *caffila* as a treasure, the whole belonging to one master. Whereas a *caravan* is a company of particular merchants, who have each a certain number of beasts of burthen for their own account, and march altogether, under the conduct of a chief, whom they are to reward in common. So that all *caffilas* may be called *caravans*, but all *caravans* cannot with propriety be called *caffilas*.

At Gombron, otherwise called Bander-Abassi, a town and harbour on the Persian Gulph, the English and the Dutch have each of them their *caffila*, which is larger or smaller, according as they have occasion. These travel to Isfahan, and back again, which is a journey of about one hundred and seventy leagues. It is by their *caffilas* these companies send merchandizes from the East-Indies to the capital of Persia, where they have warehouses, each under a chief: and from thence every *caffila* brings back, at different times, merchandizes from Persia, for the Indies, whither they are carried in ships, which cross all those seas.

CAFFILA signifies also, in the several parts which the Portuguese still hold on the coast of the kingdom of Guzarat, or Cambaya, a small fleet of merchant-ships, which sail from those ports to Surat, or come back from thence, under the convoy of a man of war, which the king of Portugal keeps there for that purpose.

CAFRARIA. See **AFRICAN COASTS**.

CAHYS, a corn-measure, in use at Seville and Cadiz, equal to one-fourth of an English bushel.

CAIRO, the capital of Egypt, is seated on the Nile, above the seven mouths, by which this river discharges itself into the Mediterranean. Alexandria and Rosetta, distant from one another ten or twelve leagues, and which are at two of the Nile's mouths, serve for ports to this famous city, about ninety leagues distant; and it is before the one or the other that the European ships anchor to discharge their goods, of which the greatest part is designed for *Cairo*, and where they attend to take in their reloadings.

If all that has been said of the vast extent of *Cairo*, to make it deserve the name of *Grand*, beyond all other cities, is not an effect of exaggeration in the Arabian historians, or the greatest part of European travellers, who are equally suspected, certainly there is not a city in the world, that ever had or has, a better title to it; but not to enter into this historical discussion, there is no room to doubt, that it has been, and still is, a place of great trade, though Monsieur Maillet, Sicard, and other French writers, will not allow it to be near so big, nor so populous as Paris.

The famous city of Alexandria is now reduced to three or four thousand refugee persons, from the different provinces of Turkey; Rosetta is all new-built, of which the

foundation was not laid much above a hundred years ago; and as the canal, which goes from the Nile to Alexandria, only now serves to carry the water from that river to this city, and the Lake Mareotis, the necessity of housing the goods sent from *Cairo* to Alexandria, and those which go from thence to *Cairo*, has probably not a little contributed to the aggrandizement, or even to the construction of Rosetta. And it frequently happening that the goods, which were without the bar, waited an opportunity to get over it to Alexandria for months together; and on the other side, as those that came from this city (after having surmounted the difficulties of the said passage) could not be transported to *Cairo* in the same vessels, it became absolutely necessary to build in this port proper places to put them under cover, and to have correspondents and factors settled there. The trade here is so much augmented, more especially since the beginning of this century, that this city is now one of the most powerful in Egypt, and carries on a considerable trade in the commodities that its neighbourhood produces, with those brought in from *Cairo*, and those imported by the Greeks in their saicks from the Archipelago.

The merchandizes carried to, and extracted from these ports, being with a trifling difference the same from *Cairo*, as these two cities serve for its storehouses, we shall not treat of them separately; but only remark, that the greatest traffic, either in purchases or sales, is transacted at *Cairo*, with which the business of Rosetta and Alexandria is nothing in comparison.

The goods exported from hence are, benzoin, bdellium, gum-arabic, gum-adraganth, turbit, myrrha Abyssinica, incense in tears, storax, aloes succotrina and hepatica, sugar in powder and loaves, and sugar-candy, sherbet in casks, different sorts of cinnamon from Ceylon, Malabar, &c. cassia, cocos, coriander, coffee, myrabolane, chebula, bellerica, and citrina, nutmegs, nux vomica, cardamoms, ben, tamarinds, coloquintida, pepper, mace, flax of all sorts, fenna, spikenard, bastard saffron, cotton in wool and thread, hermodactyls, yellow wax, ginger, rhubarb, elephants teeth, wool washed and unwashed, ostrich and heron's feathers of different sorts, mummy, sal ammoniac, nitre, roch-allum, sea-lizards, botargo, mother of pearl, blue linens of several species from several places, painted linens, mogrebines, muslins, and cambresines; Egypt also produces some stuffs, and other commodities of various materials, as of wool alone, wool and silk mixed, &c. ribbons, handkerchiefs, carpets, and musk; there are likewise exported from *Cairo* and Alexandria, a quantity of buffaloes, ox and cow hides in the hair, red and yellow cordovans, shagreen skins, &c.

Egypt does not want the necessary materials for making good glass, but she sends them to Venice, from whence they return manufactured, though in small parcels, as the Turks never drink out of vessels of this commodity. There are still made in Egypt a large quantity of linens differing in quality, and stuffs with silk and cotton, silk and gold, and even velvets, though but very few of them are perfectly good.

The merchandize which Europe sends to Egypt are, agarick, white and yellow arsenick, black-lead, orpiment, antimony, sublimate, quick-silver, vitriol, vermilion, cinabar, latten and brass wire, tin, Venetian steel, lead, paper, sattins, from Florence; cloths of all sorts, caps, cochineal, coral from Messina wrought and unwrought, red tartar, roch-allum, dying woods, and hard-ware: besides which, a vast quantity of glass beads from Venice of all colours, are sold at *Cairo*, and afterwards exported to India and all Africa, where the women deck themselves with these toys, as the European ladies do with diamonds and pearls. There is also carried on at Rosetta, a very considerable trade from Constantinople and Satalia, in white slaves, brought from those two cities, and in black ones, remitted there in return from Egypt: all the eunuchs in the grand seignior's seraglio, and in private ones, as well as almost all the other negroes that are in Turkey, both men and women, come from Egypt, where an infinity of white young persons of both sexes are brought in exchange for them; the white slaves are very dear, when they are well made, being worth at least from forty to forty-five pounds sterling, and some girls have been sold for more than ten times as much. The greatest part of the trade at *Cairo* is transacted by the Jews and Arabians,

who,

who are here in great numbers, and who with some Turk merchants, carry on that of the Red-Sea, from whence they draw the majority of the afore-mentioned merchandizes; and it is also the Arabian brokers, who interfere in almost all the negotiations here.

This commerce is carried on by Suez, a town situated at the bottom of the Red-Sea on the Egyptian coast, about forty-five leagues from *Cairo*, and separated by a plain of firm sand, very commodious for carriages. It is from this small town (whose port is nevertheless far from a good one) that the European goods, carried there by caravans, are at first transported to Gedda, a league distance from Mecca, and afterwards to Mocha, a city in Arabia, at the entrance of the streights of Babel-Mandel, where the Red-Sea communicates with the Indian ocean; and it is also at Suez that all the merchandize arrive here, which the Turk merchants of *Cairo* import from the East-Indies, and of which the general staple for Egypt is at Mocha, where these merchants have their factors.

The commerce of the Red-Sea is carried on by means of the grand seignior's ships, and of some particular princes, which ships are without decks, or artillery, so that nothing would be more easy than their capture; a bark furnished with only four guns might make an immense booty in this sea. When they are hindered by contrary winds from arriving at Suez, they traverse the Red-Sea, and go to winter at Cossici, a small place, and not much frequented, at five days journey distant from Cop-taim, a city in the Thebaida; whilst these vessels are at an anchor, they send from the Upper Egypt to take their loading, and carry them provisions and goods. The road from Cossici to the Nile is two days journey further than that from Suez to *Cairo*: nevertheless, the expence is not much more, because the camels hire costs less in the Upper than in the Lower Egypt, and the remaining carriage being by water, is performed for very little.

Besides what Eastern merchandize the Europeans export from *Cairo* and Alexandria, the Turkish merchants also transport a very great quantity to Constantinople, and to other cities of the grand seignior's territories, on their faicks, and on which they also load rice, flax, sugar, and other commodities of the Egyptian growth; and the total of this commerce does not import less than between seven and eight hundred thousand pounds sterling *per annum*, and employs about an hundred, or an hundred and twenty faicks in it.

The trade of Egypt is also very great on the part of Asia, from whence caravans laden with riches are continually arriving at *Cairo*, and which are conveyed by that branch of the Nile, which falls into the Mediterranean near Damietta. It is from Arabia and the neighbourhood of Mecca, that the white balm comes to *Cairo*, so much valued by the Eastern ladies, for preserving their complexions, though there is but very little of it unadulterated. Almost all the soap that is used in Egypt comes from Palestine, where it is made of a very good quality, though that of France is better; the consumption of this commodity is very great, because the washing with lyes is not practised here.

The different countries of Afric do not contribute less than the rest of the world to enrich the trade of Egypt; there is no year passes in which some caravans do not arrive from Tunis, Algiers, Tripoli, and even the remotest provinces of that part of the earth. Among these foreign merchants who rendezvous at *Cairo* from all the inhabited places of Afric, there is above all, two sorts who ought not to be forgotten; of which the first are called Croys, living near the Isle of Phœacians on the ocean, who come to Fez and Morocco, and from thence to *Cairo*, traversing the immense deserts that lie in their way. This caravan, which is seven or eight months on its journey, touches also at Tripoli in Barbary, and brings gold dust to *Cairo*; though they take care not to sell it as such, for in so doing they imagine they commit a sin, and therefore sell it for silver, with which they buy copper and cutlery-ware, which they carry back with a certain species of shells, current in their country for money.

The second sort of merchants just now mentioned are black like the first, and are full as singular; having so particular a method of carrying on commerce, that it is probable they are the only people in the world that practise it:

in vain may any one offer them double the value of their goods, if he does not join the elephants pizzle with it; that is to say, nothing but a good drubbing will induce them to drive a bargain, and therefore the brokers of the country, accustomed to the manner and expectations of this gentry, do not fail to serve them according to their own fashion, and always begin liberally to dispense their blows, that they may terminate the difference the sooner; after which preliminary, these negroes are the most contented people in the world, and there is nothing that may not be expected from their good humour.

In fine, the Nile conveys to Egypt all that Ethiopia encloses most serviceable and precious; though it is not the Ethiopians themselves that carry on this commerce, as these people very seldom trade any distance from their own country; but they sell their merchandize to the natives of Nubia, called barbarians, who traversing the frightful mountains which separate them from Egypt, bring those precious effects there. Every year a caravan sets out from Sannar for this journey; and though it is only composed of merchants ragged and almost naked, who frequently want all sorts of conveniences in the toilsome dangerous roads they have to go, it is impossible to conceive what riches they are bearers of. From several parts of Africa there is brought to Egypt gold-dust, elephants teeth, ebony, musk, civet, ambergrise, ostrich-feathers, divers gums, and an infinity of other merchandize, though this traffic is not a little encreased by the remises of two or three thousand blacks sent here to be sold; from all which it is easy to conceive what prodigious sums those caravans must return with, either in specie or goods.

It must naturally be concluded, that a commerce so considerable, centering chiefly in *Cairo*, cannot but bring immense sums with it, and make Egypt one of the richest parts in the world. It is true, this country produces neither gold, silver, nor precious stones; yet it is probable that there is not a spot upon earth, where these productions of nature are less rare, or more common. The flax, of which a prodigious quantity of linens are made, and from thence spread into all parts of the world; the cotton, gathered in abundance, and a great share of it worked up; the wheat, rice, pulse, sugar, coffee, sherbet, hides, Morocco leather, all sorts of drugs and spices; that sort of earth called hanna, so much esteemed, and of which there is so great a demand in all the Levant, where it serves both men and women to paint their feet and hands; all these draw immense sums from Europe, Asia, and Africa; there is not a year that four or five hundred thousand dollars are not carried there from France and Italy only. From Afric there is annually imported from one thousand to twelve hundred quintals of gold-dust; and from Constantinople and Asia, there comes more than a million of dollars, for the purchase of rice, coffee, linens, &c. It is true, that what the bashaw pays yearly to the grand seignior, what he sends to the minister of the Porte to obtain a continuance in his post; what he and his dependants carry off, on his quitting the government; that which the agas levy, whom the sultans send from time to time into this country; what goes to Damascus, and all that which passes to Mecca, may amount to many millions: however, it is certain that there remains near as much; and if the natives, or even the Turks, who are under continual apprehensions of being stripped, had not the madness to bury their money, by which means it not only becomes useless to trade, but is often absolutely lost, it is certain that few kingdoms or cities in the world would be richer than Egypt, or *Cairo*.

CAITHNESS being the northernmost part of Scotland, and lying low on the coasts, produces only corn, though the mountains abound with sheep, goats, and black cattle, of which latter large droves are sent to England, and chiefly disposed of in the counties of Norfolk, Suffolk, and Essex; it is supposed by some that lead, copper, and iron, may be found in these parts, though as yet no mines have been opened of either; and whatever the indications may be of these riches, no one has hitherto attempted a search after them, either through a want of faith or funds, or both.

CALABRIA. *See* NAPLES.

CALADARIS, a species of coarse callico, striped and plain, manufactured chiefly at Bengal.

CALAMANCO, a woollen stuff manufactured in Brabant, in Flanders, particularly at Antwerp, Lille, Tournay, Turcoin, Roubaix, and Lannoy. There are also a great many made in England. In France they are of different breadths; some of seven-sixteenths, others of two-thirds, of seven twelfths, of five-eighths, or of five-twelfths, of an ell, all Paris measure. As for the length of the pieces, there is nothing settled, the weavers making them longer or shorter, according as they please, or as they are commissioned by the merchants. This stuff has a fine gloss upon it, and is chequered in the warp, whence the checks appear only on the right side. It is commonly wove wholly of wool; there are some, however, wherein the warp is mixed with silk, and others with goat's hair. There are *callamancoes* of all colours, and diversely wrought, some are quite plain, others have broad stripes, adorned with flowers, some with plain broad stripes, some with narrow stripes, and others watered. This, also, is no inconsiderable branch of the woollen manufacture of England, both for home-wear and foreign exportation.

CALAMINE, *lapis calaminaris*, is a fossil substance, of a consistence between stone and earth, found in great abundance in the lead mines. It is yellow, gold-coloured, red, sometimes grey, or even of a colour which is a mixture of all the foregoing. Broken to pieces and thrown into the fire, it immediately renders the flame of a beautiful green colour, and exhales a thick, white, copious smoke, of a sweet smell, peculiar to it, and vastly astringent. This smoke condenses into very light flowers, at first of a bluish, and afterwards of a greyish white colour: these flowers are supposed to be the *pompholyx* of the ancients. *Calamine* contains likewise an unmetallic earth, and some iron. It is never made use of as a medicine, but in external applications. It is commonly employed by founders to dye copper yellow, that is, to turn it into brass. It is found in Germany, Saxony, Bohemia, and England. On the Mendip-hills in Somersetshire, we have some of the finest in the world.

CALAMINTHA, *Calamint*. There are several species of this plant; but only one is used in medicine, which is the *calamintha vulgaris flore magno* of *J. Banbini*, and the *calamintha montana* of *Dodonæus*.

Calamint is attenuating and aperient; it powerfully dissolves viscid humours, and by this means procures an appetite, and assists digestion, and dispels flatulences. It promotes urine and the menses, and is good in all diseases of the breast arising from a tough phlegm: for all these purposes there is no method of taking it so good, as an infusion made of it in the manner of common tea.

Externally it is attenuant, discutient, and resolvent. It is best used in form of a fomentation on these occasions. Paralytic limbs have been sometimes restored by using a decoction of it in this manner. The essential oil, distilled by the alembic in the common way, is an excellent carminative, and has all the virtues of that of penny-royal, without its nauseous taste: it is rarely used however, and the dried herb is kept in the shops principally as an ingredient in some of the compound waters.

CALAMITA, *in pharmacy*, an appellation for the dry sort of *styrax*, to distinguish it from the liquid.

CALAMUS AROMATICUS, is comprized among merchandize, and drugs to be garbled, by 1 *Jac. cap. 19. See ACORUS VERUS.*

CALAO, the port to Lima, is two leagues from the city, spacious and very secure, without rocks, or shallows. It has two channels, the one for large ships, on doubling the Isle of Lobos, that covers it; and the other for barks, or small vessels, by a streight between the continent and the island. The city lies along the bank, and all its inhabitants (above two thousand) are either Lima factors, carriers, sailors, or inn-keepers, as its buildings are warehouses for the reception and deposit of the goods that arrive from Acapulco, Panama, Arica, and the Conception, or inns, to accommodate the merchants who arrive from all parts, when the fleets come here to load or discharge. Two fleets, both called *plate fleets*, are annually fitted out in this port, the one for Arica, and the other afterwards for Panama. The first sails towards the end of February, and after having loaded the silver of the Potosian mines, returns to Lima in about a month, or by the beginning of April, near the same time that the vessels from Valparaíso

bring here the revenues of Chili. As soon as this fleet is returned, and the Chili vessels are arrived, they unload the goods, to wait a proper season for the voyage to Panama; the least valuable are put in warehouses, and the gold and silver, with what else is precious, is sent to Lima in carts, or on beasts of burthen, with which the road from Calao to that city is near full during the whole year, more especially in the three or four months of the fleets arrival and departure: Also in the months of March and April, before there arrive at Lima by land, gold, silver, and the merchandizes of all the provinces of Peru, that are destined for Porto-Bello, and which must be ready for the sailing of the Panama fleet.

This departure of this second fleet is always at the beginning of May; and it is commonly two-thirds bigger or stronger, both in merchant-ships and men of war, than the other; because, besides the riches of Potosi, which the fleet of Arica only brought, that for Panama carries also all the revenues of the king, and particular effects from Chili, Peru, and a great many of the other kingdoms of South-America. And it is by return of this fleet, that all the goods destined for Peru and Chili are brought; and from thence sent either by sea or land to the places they are consigned to.

Besides the fleets before mentioned, there is yearly equipped at *Calao* a twenty-gun ship for Acapulco, a famous port in New-Spain, by which the Spaniards of Mexico maintain a great trade with the Philippines, and receive a large quantity of goods from India and China. This vessel arrives at Acapulco a little before Christmas, and carries there cacao, dollars, and quicksilver; in return of which she brings back spice, silk, chints, calicoes, and a few other Indian commodities; though this trade is prohibited to all others but those concerned in the said ship; the court of Spain having interdicted it to all the rest of Peru, under very severe penalties, for fear of hindering that which South-America carries on with Spain by way of Panama and Porto-Bello. *See ACAPULCO.*

This was the situation of *Calao*, before the earthquake, which, with an inundation of the sea, that happened at the same time, destroyed every person in the town, except one man, who crept up the flag staff, and dropt from thence into a canoe, which floated under it. As this happened before the peace of Aix-la-Chapelle, it is not doubted but the damage is repaired in some measure; but it is so difficult to get accounts from that country, that nothing can be said with certainty.

CALCEDONY, in natural history, a precious-stone diversified with various colours, partly transparent, and partly opaque.

Calcedony, or *calcedon*, is also a term used by jewellers, and lapidaries, for a defect in some precious stone; when, in turning them, they find a foul vein, of a different colour from the rest of the stone, resembling that of a *calcedony*, which lessens its value.

CALENDAR, a table containing the days, weeks, months, feasts, &c. happening throughout the year, in their proper order.

We have observed in the article *bissextile*, that pope Gregory, in order to correct the Julian account, or old stile, took ten days out of the *calendar*, in the year 1582, to celebrate Easter at the same time that it was observed at the Nicene council; and, to prevent the seasons of the year from going back for the future, he ordered that every hundredth year, which, according to the form instituted by Julius Cæsar, was to be bissextile, or leap-year, should be a common one, and consist only of three hundred and sixty-five days; but as this would take away too much, he ordered that every four hundredth year should remain bissextile.

But, as more than one hundred years have now elapsed since the above-mentioned reformation of the *calendar*, and the hundredth year not being made a common one as in the Gregorian method, that account differs at present from the Julian, one day more than it did at its first institution; so that the first day of the month, according to the old stile, is the twelfth of the same according to the new. And hence we see the reason why eleven days must be taken out of the *calendar*, in order to render it conformable to the Gregorian, or new method of computation; which eleven days were cancelled in the month

of September, 1752, pursuant to an act of parliament passed in his late majesty's reign. See *BISSEXTILE*, and *BILLS of EXCHANGE sub finem*.

CALENDAR, a machine used in several manufactories for pressing stuffs, linens, silks, &c. and rendering them smooth and glossy. This machine is worked by horses, or men. It is a hard laborious employ, but requires few qualifications besides strength. The principal employers of the *calendars* are the linen-drappers and dyers, from whose shops they are obliged to fetch heavy burdens. There are not many in this branch of business; the master gets a decent living; but the journeymen are no better than other labourers. A lad ought to be well grown before he is put apprentice to this heavy work. He may learn it for ten pounds, or under; and set up master for fifty pounds.

CALF, the young one of a cow, and an animal too well known to want a particular description.

Though it seems that *calves* ought to be considered only with regard to their flesh, which is sold in the shambles for food, yet they afford two sorts of commodities for trade, namely, the skin or hide, and the hair.

The *calves hides* are prepared by the tanners, tawyers, curriers, and leather-dressers, who sell them to the shoemakers, saddlers, book-binders, and such other artificers who use them in their several works. The curried *calves hides*, which are produced and manufactured in England, are reckoned the best. Vellum, which is a sort of parchment, is made with the skin of a still-born *calf*, or of a very young *sucking-calf*. The tawyer begins the preparing of it, which is finished by the parchment-maker.

Calves hair is mixed with that of oxen and cows, to stuff saddles, and some household furniture of little value.

The book-sellers and book-binders say, that a book is bound in *plain calf*, to signify that the *calf's skin* that covers it is whitish, without being marbled, or spotted with red or black.

Calves-leather dressed with sumach, is that curried black on the hair side, to which is given a red colour with sumach on the flesh side. The master girdle-makers use that sort of leather.

Draw-back or repayment of the duty of excise on hides or *calve-skins*, rough or tanned; hides or *calve-skins*, dressed or curried: sheep-skins and lamb-skins, tanned, tawed, or dressed, in Great-Britain, exported. By 9 *Ann. cap. 11. s. 39.* and 10 *Ann. c. 26. s. 4.* Any hides, or *calve-skins*, tanned, tawed, or dressed, were to draw back two-thirds of the duties laid on by those acts respectively.

But by 10 *Ann. c. 26. s. 6.* it is there explained, that those acts, as to the draw-back, comprehended only tanned or rough hides, and *calve-skins*, &c. Therefore the draw-back is as follows:

	Draw-back.
Tanned or rough hides, } by 9 <i>A. c. 11. o o 2/3</i>	} o o 1
and <i>calve-skins</i> , the lb. wt. avoirdupoise } by 10 <i>A. c. 26. o o 1/3</i>	
Hides or <i>calve-skins</i> , dressed or curried, the pound weight, as they shall weigh at the custom-house }	} o o 1
Sheep-skins, { tanned for gloves, and } the lb. wt. }	
and { bazils dressed in allum } avoirdupoise }	} o o 1/4
lamb-skins { and salt, or meal, or } }	
otherwise tawed }	} o o 2/3
dressed in oil, the lb. wt. avoirdupoise }	

To be repaid to the exporter, by the collector of the excise, on a debenture made forth by the collector of the customs, at the port of exportation, expressing the kinds, quantities, and weights so exported, sufficient security being first given by the exporter to the collector of the customs, that the said goods shall not be reloaded in Great-Britain.

The hides and *calve skins*, so exported, to be marked with a stamp, denoting having paid the duties; but the draw-back may be allowed, although the said marks have not been seen by the officers of the customs, provided that oath be made before the collector of the customs, that the hides or skins, contained in the respective bales or packs, were marked with the stamps, denoting payment of the duties, and specifying how much the duties amounted to, together with the weight thereof exported.

If reloaded, forfeited, with treble the value.

CALICOE, a kind of linen manufacture, made of cotton, chiefly in the East-Indies. There is a great trade

in the province of Bengal in this commodity, which is transported in prodigious quantities into Persia, Turkey, Arabia, Muscovy, and all over Europe. Some of them are painted with flowers of various colours; and the women in the Indies make veils and scarfs of them, and of some coverlets for beds, and handkerchiefs. They make another sort of this manufacture, which they never dye, with a stripe of gold and silver quite through the piece, and at each end, from the breadth of one inch to twelve or fifteen, they fix a tiffue of gold, silver, and silk, intermixed with flowers; both sides are alike: they make also other sorts of cotton cloths at Brampour, because there is no other province in all the Indies, which has greater quantities of cotton.

At Seconge they are said to make the best sort of *calicoes*; in all other parts the colours are neither so lively nor lasting, but wear out with often washing; whereas those made at Seconge grow the fairer, the more you wash them. This is said to arise from a peculiar virtue of the river that runs by the city, when the rain falls; for the workmen having made such prints upon their cottons as the foreign merchants give them, by several patterns, dip them into the river often, and that is supposed to so fix the colours, that they will always hold; but indeed borax is the medium that fixes the colours in this durable manner. There is also made at Seconge a sort of calicut, so fine, that when a man puts it on, his skin shall appear as plainly through it as if he was quite naked; but the merchants are not permitted to transport it, for the governor is obliged to send it all to the Great Mogul's seraglio, and the principal lords of the court, to make the sultaneesses and noblemen's wives shifts and garments for the hot weather.

The city of Baroche, also, is very famous for this trade, on account of the river, which has a quality to whiten their *calicoes*, and which are therefore brought from all parts of the Mogul's territories thither for that end.

This manufacture is brought into this nation by the East-India company, which is re-exported by private merchants to other parts of Europe and America.

Calicoes, white (which do not pay as muslins) China ware, and drugs not for dyers use, landed or put on shore, before entry and payment of additional duty, or without a warrant, are forfeited, or their value; two-thirds to the use of his majesty, who is to bear the charges of prosecution, and one-third to the seizer or fuer. 3 and 4 *Ann. c. 4. s. 11.*

Calicoes chequered, striped, printed, painted, stained or dyed, except all blue, stuff made of cotton, or mixed therewith, printed or painted, or *calicoes* stitched or flowered in foreign parts with any colour or colours, or with coloured flowers made there, (except muslins, neck-cloths, and fustians) or any bed, chair, cushion, window-curtain, or other household furniture or stuff made up thereof, or mixed therewith, may not be sold, uttered, or exposed to sale, unless for exportation, and cleared outwards accordingly, upon forfeiture of twenty pounds; and every officer or deputy of any corporation so offending, are likewise to forfeit their employment: one half of the aforesaid forfeiture to be to the use of the informer or prosecutor, and the other half to the poor of the parish; to be sued for within six months. 7 *Geo. I. c. 7. s. 2, 4, 10, 11.*

Not to extend to linen-yarn, or cotton-wool manufactured and printed in Great-Britain, provided that the warp thereof be entirely linen-yarn. 9 *Geo. II. c. 4. s. 1.* For further regulations, see *EAST-INDIA*.

CALICO-PRINTER. The youth intended to make a figure as a master *calico-printer*, ought to have a taste for painting, that he may be able to give proper instructions to the pattern-drawer, to the cutter of his blocks, and to be a judge of the colours proper to be impressed upon the cloth, or laid on with the pencil. The pattern is first drawn with all its colours, the whole breadth of the cloth; after which it is divided into several parts about twelve inches long, and eight inches broad; each distinct part of the pattern is then cut out upon wooden blocks; in which what is not to appear is cut away, and the surface left represents the figures. The cutter of the blocks having thus finished his works, the cloth to be printed is spread even over a piece of flannel on a table, and the blocks, being covered with their proper colours, are one after the other placed with the painted carved work upon the cloth, and a stroke

stroke upon each impresses the colours, and leaves the impression upon the cloth; each colour being printed separately. In this manner they begin at one end of the piece, and proceed gradually to the other; leaving no vacancy between. In some curious patterns the impressions are embellished by other colours laid on with a pencil. When the whole piece is thus finished, the cloth is washed, to take off the dirt it may have contracted in the operation; after which it is dried, calendered, and folded up fit for the shops.

In this manner cloth printed with one or many colours is performed, and finished when the ground is white; but if the ground is to be of any other colour; as for instance, yellow, the figures are waxed over on both sides, and the linen died, when the whole is yellow except the parts covered with the wax. There has lately been a new improvement made in the art, by printing some fine cottons from copper-plates, which have a good effect. Indeed the business of printing linens has within these last twenty years been greatly improved; but they cannot equal the Indian chints in the beauty of their tints. And yet it is said, that most of these printers have some secrets in the preparation of their colours, which they never reveal even to their apprentices, unless forced to it.

The printing of linens is a very profitable business; but it requires a large sum of money to set up master; and likewise a good stream of water. The sums given with apprentices are from twenty to two or three hundred pounds, and a journeyman may earn from twenty-five to thirty shillings a week.

CALICUT, called formerly the empire of Samorin, is the largest of all the kingdoms on the coast of Malabar, and the title of empire, which all other princes give to its sovereign, seems to acknowledge a superiority; yet in reality all the petty kings of this part of India, are wholly independent one of another.

This kingdom extends from Pudepattan river to that of Cranganor, being about thirty leagues of coast, and was once a place of the greatest trade in India, as well on account of the resort here of foreign merchants, as for the commerce and navigation that its ships maintained with the most celebrated cities of Asia: but first Goa, and afterwards Surat, carried away the business from it; besides the coast being bad, and inundations very frequent, have not a little contributed to drive its *quondam* great trade from hence, though here still remains a tolerable one.

The English, French, and Dutch have settlements here, and though it be the capital of the Samorin empire, yet the court removed farther within land, and thereby occasioned a considerable diminution to the before-decaying trade of this place; its bazar is nevertheless one of the handomest of Malabar, containing four or five streets always full of rich goods, of which the chief are pepper, fine linen, natural salt-petre, that wants but little purification, and which is found in plenty all over the kingdom, particularly on the side of Sirinpatan, sanders, excellent rice, which here as well as on all the rest of this coast, is not one of the least objects of trade.

The sand of the sea-shore on the coast of *Calicut*, especially at the river's mouth, is found mixed with grains of pure gold, by which many poor people find a comfortable subsistence, though the grains are commonly very small.

CALIN, a kind of metal finer than lead, but inferior to tin. It is very common in China, Cochinchina, Japan, Siam, &c. It is commonly used in the East-Indies for covering the roofs of houses, as we do with lead in Europe; they likewise make of it several pieces of furniture. The tea-boxes which come from China are made of *calin*. They also make coffee-pots of it, some of which are even brought into Europe.

Is it not a mixture of tin and lead, and some other mineral, as zink, &c. rather than a metal of a new kind?

CALKING, or **CAULKING**, is to drive oakum, or spun-yarn, or something of that kind, into the seams of the planks, or rather leaks of a ship, to keep the water out. This is done with a mixture of tallow, pitch, and tar, as low as the ship draws water; but it is not put on till the leaks, or seams, have been well-stopped with oakum; that is, with old ropes untwisted, and made again into a heap of hemp, which they drive with main force into the seams, or leaks; after which they do it over

with the mixture above-mentioned. They drive the oakum in with an iron instrument called a calking iron: it is made like a chisel; some are broad, some round, and others grooved.

CALLIFORNIA is situate between one hundred and sixteen and one hundred and thirty-eight degrees of west longitude, and between twenty-three and forty-six degrees of north latitude. It lies almost in the form of a cone reversed. It was a matter of doubt for a long time, whether it was an island or a peninsula, but discovered to be the latter by father Caino, or Kins, a German jesuit, who landed in *Callifornia* from the Island of Sumatra, and passed into New-Mexico, without crossing any other water than Rio Azul, or the Blue River, about north latitude thirty-five deg. The more southern part was known to the Spaniards soon after their discovery of Mexico; for Cortez discovered it in 1535; but they did not till very lately penetrate far into it, contenting themselves with the pearl-fishery on the coast. But our Sir Francis Drake landed there in 1578, and took possession of *Callifornia* for his mistress, queen Elizabeth, by the name of *New Albion*; the king of the country actually investing him with its sovereignty, and presenting him with his own crown of beautiful feathers; and the people, thinking the English to be more than men, began to sacrifice to them, but were restrained.

Does not this give the English a juster right to the possession of this colony than the Spaniards can pretend to by a slight discovery only, and the late slight possession since? Though the English have never yet attempted to settle any colonies here, yet, if the revival of our right should ever become necessary, we seem to have a much better plea than the Spaniards. And as this nation has many years taken every advantage of us, by insult and depredation, and has, for above these twenty years, amused us with shameful and dilatory negotiations, it may not be amiss, perhaps, to think of the revival of every kind of right to which we have any claim or pretensions, in order, at least, to make proper use thereof, to obtain that indisputable right and security of trade to and from our long possessed colonies in America; though the wisdom of the nation should not judge it advisable to enlarge our possessions in the new world, without further provocation from the Spaniards. Hints of this kind being national, we think necessary to suggest them as they naturally arise, because it will too evidently appear, throughout the course of this work, from facts incontestible, that we stand in need of reviving even every colourable right to our trade and possessions, since our real and undoubted ones are daily called in question.

It is bounded on the north by a continent unknown; on the east, by the province of New Mexico, and the Gulph of *Callifornia*, which some call the Purple or Red Sea; and by the South-Sea on the south and west. Though it lies, for the most part, in the temperate zone, there are great heats on the coasts in the summer, but the inland part is very temperate; and though in the winter it is pretty cold, it is judged to be a healthy country.

In respect to the soil, the mountains are well wooded, and the plains well watered; they abound with fruit-trees, and are capable of bearing all sorts of European grain. Here are deer, of which two kinds are peculiar to the country; all sorts of fowl and birds, common in Europe or the Indies; a prodigious plenty of sea and river fish, particularly cray-fish, which are taken out, and kept in reservoirs: there is besides, one of the greatest pearl-fisheries in the world; and it is thought to have mines. It has two considerable rivers, viz. Rio Colorado, and Rio du Carmel, with several other small rivers, and variety of fine ports, both on the east and west sides, with innumerable bays, creeks, and roads, which is the reason of its having been so much frequented by our privateers in the South-Sea.

Such of the natives who live on the east side, on the Purple shore, are great enemies to the Spaniards; but in other parts of the peninsula, they seem very hospitable to all strangers. It is observable of this country, that, after the rainy season is over, a great quantity of dew falls in the mornings, in April, May, and June, which not only renders the land exceeding fruitful, but, settling upon rose-leaves, candies and hardens like manna, and is sweet as

sugar, though not so white and pleasant to the eye. In the heart of the country there are plains of salt quite firm and clear as crystal, which, considering the extraordinary quantity of fish of all sorts that are found there, might prove of unspeakable advantage to any civilized people, who were possessed of the country.

Here is also excellent pasturage in all seasons, for great and small cattle. The banks of the rivers are covered with willows, reeds, and wild vines; and there is abundance of xicames here, better tasted than those of any part of New Mexico. On the mountains there grows mercales, a fruit peculiar to this country, which is gathered all the year round. Almost every season there is plenty of pistachoes, of curious kinds, and figs of different colours. The trees are beautiful, and particularly those called by the natives *palo santo*. It yields a great quantity of fruit, and a most excellent perfume is extracted therefrom.

Callifornia breeds fourteen sorts of grain, which the natives feed on. They likewise use the roots of trees and plants, particularly the *yuca*, where with they make a sort of bread. They have also excellent skirret, and a sort of scarlet, or French beans, of which they eat great quantities, together with pumpions and water-melons, of a prodigious size. In short, the soil is so rich, that many plants bear fruit three times a year. Here are lions, wild cats, and various other wild beasts, like to those of New-Spain. And, besides stags, hares, rabbits, &c. there is a species of animals not found in Europe, which may be called sheep, because they somewhat resemble them in shape.

The inland country, especially towards the north, is populous. It is but lately the Spaniards had any settlement at all on this peninsula; and what they have is only a village near Cape Lucar, at the south end of it, which is called *Callifornia*. The Manilla ships touch here sometimes in their course to Acapulco, and it is like to become a considerable place in time, by their trading with the Indians for pearl.

There are many small islands on the coasts of this peninsula, both in the South-Sea and in the Purple-sea, such as the Islands of St. Catherine, St. Clement, Paxoras, St. Anne, and the Island of Cedars, so called, from the great number of those trees that grow on it, of an uncommon size. The islands most known are three, which lie off St. Lucar, towards the Mexican coast, and are called Las Tres Marias, or The Three Marys. They are but small, have good wood and water, abundance of game, such as fowls and hares, a wholesome fruit called *penquin*, as large as a pullet's egg, and salt-pits, like those of *Callifornia*; and therefore the English and French pirates have sometimes wintered here, when cruising in the South-Seas. It is to be observed, that Captain Dampier proposed seeking a north-west passage, by doubling Cape Blanco, the most northern point in *Callifornia*.

CALMOUCKS. The *Calmoucks* are part of the Pagan Tartars, descended from the Mogouls, and desirous of being still called so; they inhabit the finest and most considerable part of Tartary. The best iron of all Russia (and it is probable of the whole world) known in that country by the name of Siberian iron, comes from the mountains of Aigles, that separate Russia from Siberia; which metal is melted and wrought with the same ease as copper, and there are cannons made of it, nothing inferior to those of brass, either in beauty or goodness. These people carry on no trade, except by way of barter for cattle. They are harmless and inoffensive, if not molested. The Oby and Orn, large rivers in this country, are full of fish, and most of their borders very fertile in every desirable product.

CALOMEL, in pharmacy, a name given to the *mercurius dulcis* six times sublimed. See **MERCURY**.

CALX, literally signifies lime, or a sort of stone calcined in the fire; but is used to signify any body in general after it has been calcined.

CAMBAYE. The trade of this city is very considerable, and only yields to Surat, which it formerly surpassed, till this had reaped the advantage of Goa's decay, and the Portuguese ruin.

It is seated at the mouth of the river Carari, at the bottom of the gulph, to which it gives name, sixteen leagues from Brochia, and thirty from Surat; the English

and Dutch have lodges here, on account of its proximity to the last, where their principal trade of the Grand Mogul's dominions is transacted, and where they have their factories settled, which may be almost regarded as the second in point of importance, among those they have in India.

The natives of the place, more especially the Banians, addit themselves to trade, and carry it on commonly to Diu, Goa, Cochin, Achem, Batavia, Bantam, the coast of Coromandel, that of Bengal, Persia, and the Red-Sea, where they send their ships, but generally with Dutch pilots, hired with a considerable salary of the company: and though the remis of these goods to all the aforesaid places is a considerable object of their commerce, yet it is nothing in comparison with that which they transact with strangers, who yearly arrive at *Cambaye*, there being hardly any nation of India from whence both merchants and ships are not seen here; as also from Mosambique, Melinda, Arabia, and the Persian Gulph. The Europeans besides send here every monsoon a good many vessels, whose loadings consist more in reals, rixdollars, ducats, and sequins, than merchandize; gold and silver being the best cargo that a ship can bring to this coast, except spice, which the inhabitants here and at Gufurate, cannot be without. The principal goods exported from *Cambaye*, are very fine cotton cloths, in as good esteem as those from Bengal and Coromandel, canvas, many sorts of silk stuffs, tulbandes, fashes, carpets, cloth of gold, counterpanes of silk and cotton, stitched or embroidered quilts, bed-furniture, &c. Elbow-chairs, tables, and other household-stuffs, indigo, salt-petre, borax, opium, cummin, ginger, rhubarb, mirabolans; many other excellent drugs, sugar, oil, and butter, without reckoning several sorts of precious stones found at Gufurate, or which are brought here from elsewhere. A great many excellent works in agate are also performed here, which do not in any manner yield to those of Europe, either in beauty or perfection.

The major part of these merchandizes, of which the Europeans make the greatest purchases, are not those of which their homeward-bound cargoes are composed, but they serve for traffic to other parts of India, to exchange against various commodities that may suit their owners; and the same may be said of grain, fruit, pulse, as wheat, rice, peas, beans, kiffory, (a sort of a pea) millet, barley, oranges, lemons, citrons, mangas, and cacaos, of which the English and Dutch carry a large quantity yearly to places where these are wanting, and dispose of them there to great advantage.

CAMBIO, an Italian word, which signifies *exchange*. It is pretty commonly used in Provence, and some other nations; the Dutch also have adopted it.

CAMBIST, a name given in France to those who trade in notes and bills of exchange, and who constantly attend the public meeting-places of the merchants, in order to know the course of exchange upon the several foreign places, that they may draw or remit at a proper season, and negotiate either money or bills.

CAMBOYA. This kingdom, called also *Cambodia*, was formerly a province of Siam, but at present only makes it the acknowledgment of an annual tribute, viz. of a nosegay of golden flowers. The capital of this kingdom, which the Europeans call by the same name, and the inhabitants *Rauveka*, is situated at sixty leagues from the mouth of a river, which falls into the sea, to the east of the Gulph of Siam, and which, like the Nile, and the Menan, overflow the country regularly every year. The Portuguese had for a long time this trade to themselves, but it is now open to all those who will engage in it; and here are English, Dutch, Portuguese, Chinese, Japanese, Siamese, Cochinchinese, Malaysans, &c. of which some come with the south, and return with the north monsoon, and others quite the reverse. The Dutch send linens here from Malacca, of which the properest for this market are Bengal cassias, white and red batilles, assortments of seraffes, and some cotton thread.

The goods this place produces for exportation, are benzoin, gum-lacque, wax, copper basons, iron Chinese pans, rice loaded for Quinaus, and a quantity of stags, beeves, buffaloes, and other savage animals skins, which here, as well as at Siam, are one of the best articles in this trade, and the easiest sold, by means of the Chinese and

Dutch traffic to Japan, the former being the most considerable traders here of all the Eastern people.

CAMBRESIS, a province in France, bounded on the north and east by Hainault; on the west by Artois; and on the south by Picardy. It is a small province, about sixteen miles in its greatest breadth from north to south, and twenty-five leagues from east to west.

Though the soil in this province be somewhat dry, yet it is very good and fruitful, and produces most sorts of grain, and flax, the thread of which is so fine, that it has occasioned the setting up here a manufacture of curious lawns, called cambricks, from the capital city of this province. There are also excellent pastures here, especially for horses and sheep, the wool of which is extremely fine, and very much esteemed. They had vines formerly, but the wines they produced was so indifferent, that they have been obliged to destroy the vineyards.

The inhabitants in general have great vivacity, and a genius well turned for sciences; they are also laborious, careful, and industrious.

CAMBRICK is a species of linen made of flax, very fine and white. This sort of linen derived its name originally from the province of *Cambresis*, in the French Netherlands; and from the city of *Cambray*, which is the capital thereof, where these linens were first manufactured. *Cambricks* made in France, at present, are not confined to *Cambray* only; they are also made at Valenciennes, Arras, Bapaume, Veroin, St. Quintin, Noyon, and divers other places in the provinces of Hainault, Artois, and Picardy.

The manufactures of French *cambricks* hath long since proved of extraordinary, indeed of unspeakable, benefit and advantage to that kingdom.

For many years it appeared, that England did not, in this article, contribute less than two hundred thousand pounds *per annum* to the interest of France; which, calculated from the peace of Utrecht, amounted to no less than between six and seven millions of money; which round sum, added to our further national expence for other foreign *cambricks* and lawns, proved motives sufficient to induce the parliament of Great Britain to enact the following salutary laws, to prevent this great exhaustion of our wealth.

By 18 Geo. II. it is enacted, that, after the 24th of June, 1748, it shall not be lawful for any person to wear in Great-Britain, in any garment whatsoever, any *cambrick* or French lawn, under the penalty of five pounds to the informer for every offence, being convicted by oath of one or more credible witnesses, before any one or more justice or justices of the peace, who are required, upon any complaint or information upon oath of such offence, within six days after the commitment, to summon the party accused, and, upon his or her appearance or contempt, to examine the fact; and upon due proof thereof, either by confession, or by oath of one or more credible witnesses or witnesses (which oath the justices are required to administer) to determine the same, and, on conviction, to cause the penalty, by warrant under his or their hand and seal, to be levied by distress and sale of the offender's goods, &c. rendering the overplus (charges deducted); the party may appeal to the justices at next quarter-sessions, giving six days notice thereof to the prosecutor, which justices, at the said sessions, are finally to determine the same.

Any person, after the 24th of June, 1748, who shall vend, utter, sell, and expose, any *cambricks* or French lawns, made or not made up, (except for transportation only) and shall be thereof convicted, shall forfeit five pounds, to be recovered as aforesaid.

Stat. 18 Geo. II. c. 36. s. 1. It shall not be lawful for any person to wear in Great-Britain, in any apparel, any *cambrick*, or French lawn, under the penalty of forfeiting to the informer five pounds for every offence, being convicted by the oath of one witness before any justice of peace; which justice shall, upon any information upon oath of any such offence within six days after commitment thereof, summon the party accused, and upon his appearance or contempt, proceed to examination of the fact; and upon proof, either by confession of the party, or by oath of one witness, determine the same; and upon conviction, cause the penalty, by warrant, to be levied by distress and sale of the offender's goods; nevertheless, it shall be lawful for the party aggrieved, to appeal to the

justices of peace at the next general quarter-sessions for the county or place where the said offence is committed (giving six days notice of such appeal to the prosecutor) whose determination shall be final.

Sec. 2. If any person after the 24th of June, 1748, sell or expose to sale any *cambricks* or French lawns, made or not made up, (except for exportation only) and be convicted, he shall forfeit five pounds, to be levied as aforesaid.

Sec. 3. If any person be prosecuted for wearing any *cambricks* or French lawns, and discover upon oath before any justice of peace, the person who sold such *cambricks* or French lawns, such person so discovering shall be discharged of all penalties for wearing such *cambricks* or French lawns, and the person so selling such *cambricks* or French lawns, shall be liable to the penalties.

Sec. 4. No *cambricks* or French lawns shall be admitted to be imported into Great-Britain, until after proof upon oath by the importer, or if a Quaker, by affirmation, at the time of entering the same, before the proper officer of the customs at the port of importation, either that the same are the sole property of the importer, or of some other of his majesty's subjects, and that no alien hath any property therein; or if any alien hath any interest therein, then proof shall be given by the importer, to the satisfaction of the aforesaid officers of the customs, that the same were *bona fide* shipped for direct importation into Great-Britain, on or before the 10th of May, 1745.

Sec. 5. It shall not be lawful for any person to import into Great-Britain, any foreign *cambricks* or French lawns, unless bills of lading be produced for the same, or such other proof given to the commissioners of the customs, or to the chief officer of the customs at the port of importation, as they think sufficient, that the said *cambricks* or French lawns, were *bona fide* shipped for direct importation, on or before the first of August, 1745.

Sec. 6. It shall be lawful to import into Great-Britain, after the first of Aug. 1746, any *cambricks*, French lawns, or other linen of the kind usually entered under the denomination of *cambricks*, upon the importer making oath, or if a Quaker, affirmation, that they are intended for exportation only, and that they are *bona fide* the property of the importer, or of some other of his majesty's subjects, and that no alien hath any interest therein; and also giving bond to the satisfaction of the commissioners, or the chief officer thereof, at the port of importation, in double the value of the goods imported, to be ascertained by the oath or affirmation of the importer, for payment of five pounds for every piece of such *cambricks* and French lawns which shall not be exported within three years after the entry of the same.

Sec. 7. In case any pieces of *cambrick* or lawn, so imported, shall by fire or other unavoidable accident, be lost or destroyed, upon proof of such loss to the satisfaction of the commissioners of the customs, or of the chief officer thereof, at the port of importation; they shall remit the said penalty of five pounds, payable for each piece not so exported as aforesaid.

Stat. 21 Geo. II. c. 26. s. 2. If any weaver of *cambrick* or French lawn, who purchased the same after the 24th of June, 1748, be prosecuted, and discover the seller, and that the same was sold after the 24th of June, 1748, so as such seller be convicted, and become liable to the penalties of 18 Geo. II. cap. 36. then, and not otherwise, such weaver shall be discharged from any penalty inflicted by the said act.

Sec. 3. Whenever any person informed against for wearing such *cambrick* or French lawn is excused from the penalty by discovering the seller, the penalty on such seller shall go to the person who informed against the wearer.

Sec. 4. Where the offender at the time of the offence, or at the time of conviction, be a feme covert living with her husband, the penalties shall be levied on the goods of her husband.

Sec. 5. Any millener, sempstress, or other person, who for hire, after the 24th of June, 1748, makes up any *cambrick* or French lawn, for any wearing-apparel, shall be liable to the like penalties as the sellers of *cambrick* or French lawn are liable to, by 18 Geo. II. cap. 26. to be levied and applied as is directed by this or the said act.

Stat. 6. Where by this act an oath is required, the solemn affirmation of a Quaker shall be taken in lieu thereof; and every instance of wilful and corrupt false affirmation shall subject such person to the same penalties as he would have been liable to if the said matter had been declared upon oath.

Statute 32 *Geo.* II. c. 32. f. 1. No *cambricks*, French lawns, or other linens of the kind usually entered under the denomination of *cambricks*, shall be imported into any place within Great-Britain, unless the same be packed in bales, cases, or boxes, covered with sackcloth or canvas, each of which contains one hundred whole pieces, or two hundred half pieces.

Stat. 2. In case any *cambricks* or French lawns be imported in any other manner, or in any less quantity than before mentioned, the *cambricks* or French lawns so imported, or found on board any vessel in this kingdom, shall be forfeited, and may be seized by any officer of the customs.

Stat. 3. *Cambricks* and French lawns shall be imported for exportation only, and be lodged in such warehouses belonging to his majesty as the commissioners of the customs, or three of them appoint; and shall not be delivered out of such warehouses, but under the like security and restrictions as East-India goods prohibited to be consumed in Great-Britain, are now liable to.

Stat. 4. There shall be no duties paid or secured for any *cambricks* or French lawns imported and deposited in such warehouse, other than one half of the old subsidy, which is to remain after the goods are exported again.

Stat. 5. Every person having in their custody any *cambricks* or French lawns imported before the first of August, 1759, for the exportation whereof bond has been given, shall before the first of August next deposit all such *cambricks* and French lawns in such warehouses as aforesaid; and upon depositing such goods, the bonds for exportation thereof shall be delivered up, and the person who gave the same shall receive from the collector of the customs at the port where such bond was given, all the duties which such goods would be intitled to draw back upon exportation; and such goods shall not be again delivered out of the said warehouse but for exportation: if in any case any person sell or expose to sale, or have in his possession for that purpose, any *cambricks* or French lawns (other than in such warehouses as aforesaid) the same shall be forfeited, and shall be liable to be searched for and seized as other prohibited and uncustomed goods are; and every such person shall forfeit two hundred pounds, over and above all other penalties inflicted by any former act.

Stat. 6. If any doubt arise with respect to the species or quality of the goods seized by virtue of this act, or where the same were manufactured, the proof shall lie on the owner.

Stat. 7. All the goods seized by virtue of this act, or any other cause of forfeiture, shall upon seizure be carried to the next custom-house, and, after condemnation, shall not be used in this kingdom, but exported; and shall not be sold or delivered out of such warehouse, otherwise than on condition to be exported, nor until the buyer have given security for the exportation thereof, and observing all the regulations prescribed for the exportation of East-India goods prohibited to be used in Great-Britain.

Stat. 8. All the penalties and forfeitures by this act imposed, may be recovered in any court of record at Westminster, or in the court of exchequer at Edinburgh, by action, &c. in the name of his majesty's attorney-general, or in the name of his majesty's advocate in Scotland, or in the name of some officer of the customs; and one moiety shall be to his majesty, and the other moiety to such officer who shall seize, inform, or prosecute.

Stat. 9. Upon every action, &c. for any pecuniary penalty imposed by this act, a capias in the first process shall issue, specifying the sum of the penalty sued for; and the defendant shall be obliged to give bail by natural born subjects or denizens to appear in the court, out of which such capias issues, at the return of such writ, to answer such suit, and shall at the time of such appearance give bail in the said court, to answer and pay all the penalties incurred for such offence in case he be convicted, or to yield his body to prison.

Stat. 10. If any action be commenced for any thing done

in pursuance of this act, the defendant may plead the general issue; and if the plaintiff be nonsuited, &c. the defendant shall recover treble costs.

Stat. 4 *Geo.* III. c. 37 [Intituled, An Act for the better establishing a Manufactory of *Cambricks* and Lawns, or goods of the kind usually known under those denominations, now carrying on at Winchelsea, in the county of Sussex; and for improving, regulating, and extending the manufacture of *cambricks* and lawns, or goods of the kind usually known under those denominations, in that part of Great-Britain called England.]

Stat. 1. It shall be lawful for any person to make and sell *cambricks* and lawns in this kingdom.

Stat. 2. The king may incorporate the persons herein named (the present subscribers) by the name of the English linen company, with such power of revocation as to his majesty shall seem meet: they may chuse directors, &c. and purchase lands, &c. not exceeding the value of five hundred pounds *per annum*; and they may sue and be sued.

Stat. 3. They may raise a capital, not exceeding one hundred thousand pounds. Subscribers intitled to a share of the capital, in proportion to their subscriptions, and to be members of the corporation. Subscriptions to be entered, signed, and attested.

Stat. 4. The king may grant power to enlarge the capital.

Stat. 5. Subscribers to pay a fourth at the time of subscribing, and the remainder at such calls as the directors shall appoint. Ten days notice of every call to be published in the London Gazette. On neglect of the first payment, subscription to be void; and on neglect of subsequent payments, one half of the first to be forfeited, &c.

Stat. 6. Directors may appoint a house in or near London or Westminster, to transact their business. Directors to be a court, and nominate all officers and servants; and to take apprentices.

Stat. 7. A general annual court to be held, the first Wednesday in March, for electing directors.

Stat. 8. Qualification of a director to be five hundred pounds capital stock; and the qualification of a person intitled to vote shall be two hundred pounds capital stock.

Stat. 9. Members voting to swear their qualifications, if required. Officers and servants to be sworn according to the form approved by a general court; and if officers and servants refuse or neglect to take such oath for ten days, their election shall be void.

Stat. 10. General courts to be called on demand of certain subscribers; and on refusal, they may call such court themselves. General courts may displace directors.

Stat. 11. No member shall be liable to any debt of the corporation, further than his share in the capital.

Stat. 12. If the corporate debts shall exceed the value of the capital undivided, or if they reduce their capital so that their stock shall not be sufficient to pay their debts; persons receiving any dividends by which the capital shall be reduced, are to be personally liable to make good such deficiency, so far as the dividends they shall have received shall extend.

Stat. 13. Members not liable to bankruptcy, nor the effects of the company, or any member's share liable to foreign attachment.

Stat. 14. Shares to be assignable; but not till seven years from the constitution of the corporation, unless in case of death or bankruptcy. Members shares, &c. to be personal estates.

Stat. 15. Forging the seal, &c. of the corporation, felony.

Stat. 16. Breaking into a shop, &c. with intent to steal or destroy, &c. any materials or implements, declared to be felony.

Stat. 17. *Cambricks* and lawns made in England after the tenth day of May, 1764, to be sealed at both ends.

Stat. 18. Commissioners of excise, upon request, to provide seals, and appoint, officers to mark the goods; who are to be paid for marking, &c. such goods before taken out of the loom.

Stat. 19. Manufacturers to give notice to an officer of the finishing of every piece, who is to mark the ends before taken out of the loom. Penalty on taking any piece out of the loom without giving such notice, and having the ends marked, five pounds and loss of the goods.

Stat.

Seft. 20. Officers, on notice of the finishing any pieces of such goods, shall forthwith mark the beginning and ends, and set a number on each piece before taken out of the loom; and shall make a true entry of the numbers, lengths, and the number of threads in the warp of each piece, on forfeiture of ten pounds.

Seft. 21. Officers marking *cambricks* or lawns not made in England, or marking such goods after taken out of the loom, to forfeit fifty pounds and be incapacitated.

Seft. 22. Penalty of one hundred pounds on bribing officers.

Seft. 23. Officers to transmit to the commissioners of excise an annual account of all goods they shall stamp, and a copy of all entries relating thereto. Officers, &c. to deliver up seals, &c. to commissioners of excise, on demand, on penalty of two hundred pounds.

Seft. 24. *Cambricks* and lawns made in England after the tenth of May, 1764, found unstamped, may be seized. Persons exposing to sale, or having in their custody for sale, such goods unstamped, to forfeit two hundred pounds.

Seft. 25. Goods condemned by virtue of this act, not to be worn here, but sold for exportation, and the buyers to give security.

Seft. 26. Persons counterfeiting the seal, &c. or selling goods with a counterfeit seal, &c. guilty of felony.

Seft. 27. *Cambricks* or lawns made or begun in England before the commencement of this act, to be sealed.

Seft. 28. Forfeitures and penalties to be recovered in any court of record at Westminster, one half to the king, and the other to the prosecutor.

Seft. 29. A *capias* to issue for the penalties in the first process. Defendants to give bail.

Seft. 30. Action to be brought in twelve months.

Defendant may plead the general issue, and shall recover treble costs, if judgment against the plaintiff.

Seft. 31. The *onus probandi* shall lie on the claimer.

Seft. 32. This act not to extend to Scotland or Ireland.

Seft. 33. This act shall be a public act.

CAMBRIDGE SHIRE has no manufacture, except of malt, paper, and baskets, but its growth of corn and saffron is very considerable, and the latter esteemed in quality inferior to none. There is likewise found near Sturbridge very good pipe and potter's clay; and cattle are plenty, though their dairies produce no more butter or cheese than suffices for their own consumption, as that butter called Cambridge butter receives its denomination only by coming from thence, being first brought there from other parts.

CAMEL is an animal of singular use for carriage, especially for caravans, and seems purposely created by divine providence for dry and sultry climes, which afford no water in many days travelling. This creature is so formed and supplied by nature, that it can throw up the liquids of its stomach into its throat, so that during three days it requires no water, and can even subsist a whole fortnight without any. The *camels* usually carry six hundred weight upon their backs, which need never be taken off during the whole journey; for they naturally kneel down to rest, and in due time rise with their load.

There are four sorts of *camels*, which are thus distinguished: the *Turkman camel*, the *Arab camel*, the *dromedary*, and the *camel with two bunches on his back*.

The *Turkman camel* is much stronger, larger, more hairy, and of a darker colour than the others. Its common load is eight hundred weight, but it sometimes carries much more. This animal cannot bear heat, and is therefore never worked in June, July, or August.

The *Arab camel* seldom carries above five hundred weight, but can endure heat, and will subsist on the dry thistles and other plants which it picks up in the deserts as it goes along with its burthen. Some have been known to travel fifteen days without water; but if they are suffered to drink as much as they will after such an abstinence, it is great odds that the quantity will kill them.

The *dromedary* is only a high breed of the *Arab camel*, from which it differs only in being of a lighter colour and more elegant make, except that instead of the solemn walk to which the others are accustomed, it paces, and will go as far in one day as they will go in three.

The *camel of two bunches*, is of the Persian breed, and differs only in this single particular from the *Arab camel*.

The great strength of these creatures, and their usefulness as beasts of burden, have probably concurred with other causes to prevent the use of wheel-carriages in most parts of Asia; for few are found, except a clumsy machine used to bring large stones from the quarries.

CAMLET, or CAMBLETS, is a plain stuff, composed of a warp and woof, and manufactured on a loom with two treddles, as linens and flammies are.

The *camlets* are either longer or shorter, broader or narrower, according to their several kinds and qualities, and the places where they are manufactured. There are *camlets* of all sorts: some in goat's hair, both in the warp and woof; others, in which the warp is of hair, and the woof half hair and half silk; others again, wherein both the warp and woof are of wool: and, lastly, some of which the warp is of wool, and the woof of thread.

Some are dyed in thread; that is, the materials both of the warp and of the woof were dyed before they were wove, or wrought on the looms; others are dyed in the piece; others marbled, or mixed; some are striped, some waved or watered, and some figured.

Camlets are proper for several uses, according to their different kinds and qualities. Some serve to make garments, both for men and women; some for bed curtains and other household furniture, altar-curtains and other church ornaments, in France.

The places, under the king of France's dominion, where they make the greatest quantities of *camlets*, are, Lille in Flanders, Arras in Artois, Amiens in Picardy, La Neuville near Lyons, and some places in Auvergne. In time of peace the French do also import some from foreign countries, particularly from Brussels, Holland, and England, the latter of which are very much esteemed.

Lastly, there are *silk camlets* of several colours, especially crimson, carnation, or flesh-colour, and purple, which are manufactured at Venice, Florence, Milan, Naples, and Lucca; but these are properly *tabbies* and *taffeties*, disguised under the name of *camlets*.

The *watered camlets* of Verona, which are also called Verona carpets, may more properly be called a kind of *tabbies*.

The Brussels *camlets* are commonly calendared, and excel both in goodness and beauty those made in France, and even in Holland and in England, though the latter come pretty near them, and are very much esteemed.

Figured camlets are those of a single colour, on which have been stamped, or imprinted, various figures, flowers, foliages, &c. This is performed with hot irons which are a kind of moulds, that are passed under a press at the same time with the stuff. The *figured camlets* come only from Amiens and Flanders. The trade of them was formerly pretty considerable; at present there are but few of them sold, which serve commonly for church ornaments, or for making some household furniture.

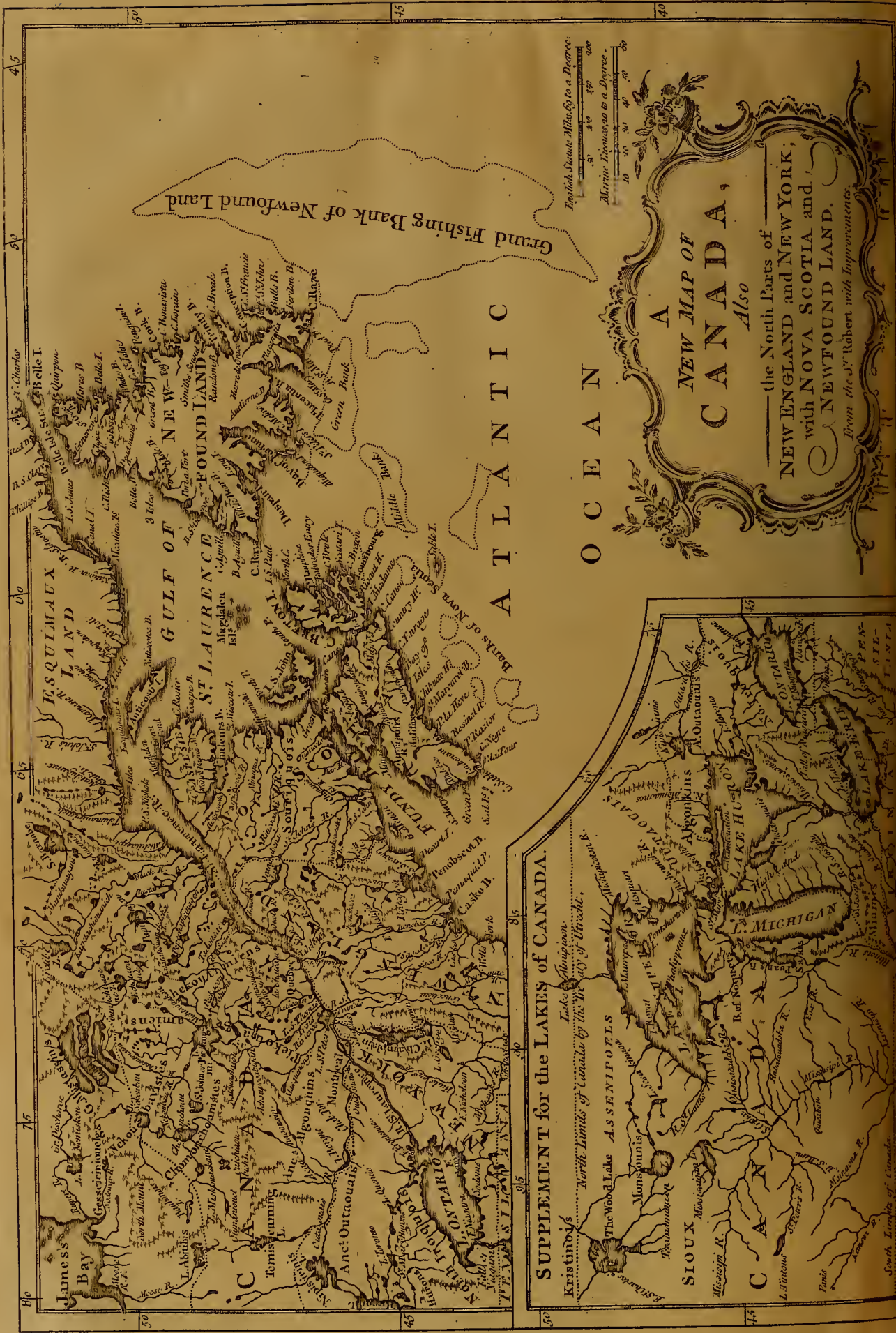
Waved camlets are those on which a kind of waves have been impressed, as on *tabbies*, by making them pass several times under the calendar.

Water camlets are such, which, being taken from the loom, undergo a certain preparation with water, after which they are put into the hot-press, that renders them smooth and glossy.

They who make *camlets*, and the merchants who deal in them, ought to be very careful that they do not acquire any false or bad plaits, because it is very difficult to get them out again; which gave occasion to this French proverb, "That man resembles a *camlet*, that is, he has taken his plait;" intimating that he has got an ill habit, of which it is impossible to cure him.

CAMP. The Siamese, and some other nations in the East-Indies, give the name of *camp*s to the quarters which they assign to the foreigners who come to trade with them. In these *camp*s every nation forms, as it were, a particular town, where they carry on all their trade. They not only keep their warehouses and shops there, but also live in these *camp*s, with their families, their factors, and agents. The Europeans are free from that subjection at Siam, and almost every where else, and are at liberty to dwell in the cities, or in the suburbs, as they judge it most convenient for their trade.

CAMPECHY-WOOD, a wood of very dry and firm texture. It is brought to us in large and thick blocks, or logs,



English Scale Meas'd to a Degree.
Miles 10 20 30 40 50
Nautical Scale Meas'd to a Degree.
Miles 10 20 30 40 50

SUPPLEMENT for the LAKES of CANADA.



logs, and is the heart only of the tree which produces it; the bark and the softer part being separated from it. It is very heavy and remarkably hard. It is not easily cut, but it splits pretty readily in a longitudinal direction, its grain running regularly that way. Its colour is a deep and strong red, and its taste very astringent and austere, but with a remarkable sweetness in the mouth, like that of *terra Japonica*.

Logwood is to be chosen in large and thick pieces, sound, and of a good colour. It grows both in the East and West-Indies, but no where so plentifully as on the coast of the *Bay of Campeachy*. They cut it in the spring when it is full of sap, at which time they find it easy, after they have cut the trunk and larger branches into lengths, to split off the blea, or soft outer wood and bark; and then they lay up the rest for drying.

It has been long known among the dyers; but it is only of late that it has been introduced into medicine: it is found to be an excellent astringent, and is given in form of extract in diarrhæas with very great success.

CAMPBOR, or **CAMPFIRE**, is a singular concrete, extracted by art from a particular kind of tree, in the East-Indies, and brought to us in little semi-transparent pieces or grains, of a reddish or ash-colour, a fragrant smell, and a sharp pungent taste. It is of so very volatile a nature, as upon being exposed to the free action of the air, to entirely exhale in no great length of time. Pure *campbor* melts in a small heat, and assumes the fluidity and appearance of water; at the same time it arises in a thin vapour, which being caught in proper vessels, concretes into a solid transparent cake, which is the refined *campbor* of the shops. This easily takes fire, and burns away, without leaving any remains. It readily dissolves both in expressed and distilled oils. One ounce of highly rectified spirit of wine will take up six drams of *campbor*: if this solution be exposed to the air the spirit flies off before the *campbor* begins to exhale: if it be distilled, the spirit rises first: if set on fire, the spirit entirely burns away before the *campbor* takes flame. Spirit of nitre likewise proves a solvent for *campbor*, but separates from it upon the addition of water. It dissolves likewise in the vitriolic acid, and seems to lose its smell in it; but recovers it and its pristine appearance, upon the affusion of water: this last solution digested for some time, emits a penetrating vapour like to that of burning brimstone. Spirit of salt has little or no effect on *campbor*: nor do vegetable acids, or fixed alkaline salts, any way act upon it. Distilled several times from fresh parcels of bole, it assumes and retains the appearance of oil.

Campbor was unknown to the ancient Greeks: the Arabians have described it under the name of *capbur*, and the modern Greeks, Aetius and the rest under that of *capphoura*. The Hollanders are the people who refine the greatest part of it. The Indians distinguish two kinds of *campbor*, a finer and a coarser; the finer is the produce of Borneo and Sumatra; it is rare, and of a great price among themselves, and is never sent into Europe; the coarser is the Japanese kind, which is the common kind, both in the Indies and in Europe. The tree which produces the *campbor*, is a species of bay-tree, but it grows to the height and size of our oaks: every part of this tree abounds with *campbor*, but it is not collected from it in manner of other resins, but by a sort of chemical process. The natives of the places where the trees grow cut the wood and roots into small pieces, and put them into large copper vessels, which they cover with earthen heads filled with straw; they put a moderate fire under them, and the *campbor* is raised in form of a white downy matter, and retained among the straw; when the process is over, they strike it out of the straw, and knead it with their hands into cakes, which are what we call *rough campbor*.

The Dutch, who refine this *campbor*, beat these masses to a rough powder, and sift them through a coarse sieve, by which means they free them from the coarser foulnesses that were mixed among the *campbor*; they put two or three pounds of this powdered matter into a flat glass vessel with a narrow neck; they then place the flat bottom of this vessel upon sand, but they do not raise the sand about it. The sand-furnace used for this purpose is of a peculiar structure; the vessel which holds the sand is of iron, and its figure is that of an inverted cone; they make a fire

about the lower narrow part of it, which they encrease till the *campbor* in the glass boils like water; they hang cloaths over the body of the vessel while the *campbor* melts, and cover its top with a loose cone; when the *campbor* boils thoroughly, they take off some of the coals, and throw ashes over the rest to diminish the fire, and in this moderate state they keep it half an hour; they then take off the rags and the cone, and only hang on a piece of brown paper pierced in the middle, in the same manner as the rags were, to let it fall over the neck to the body of the vessel; they then put a paper cone over the mouth of the vessel, and in this state they keep it over a gentle fire for some hours, keeping the heat up to such a degree that the *campbor* still remains in fusion; by this part of the process, the *campbor* is divested of a thin oil, and some other of its less firm parts, and becomes capable of concreting into a harder mass than it otherwise could.

After two or three hours continuance of the heat in this state, they encrease the fire, and raise it to that degree, that the *campbor* begins to rise towards the top of the vessel: great caution is required at this critical time, in the management of the fire, to prevent the *campbor*'s rising too suddenly into the neck of the vessel, and filling and bursting it. They not only are careful of the degree of fire upon this occasion, but they continually thrust down an iron instrument through the neck into the body of the vessel to keep a clear passage; the *campbor* by degrees rises wholly to the top of the glass; they then let the fire go out, and the vessel cool; when cool, they break it and take out the *campbor*, which is found in form of a cake, adhering to the upper part of the vessel, and conforming to its shape; if there were any foulnesses left among the *campbor* after the sifting, they are found at the bottom of the vessel; the *campbor* is pure at the top, and is what we see in the shops.

Campbor is, at present, much used in medicine, both internally and externally; internally, it is anodyne and diaphoretic, and a great resister of putrefaction: it also promotes the menses and urine, and is good in ulcerations of the kidneys and bladder: it is often given in violent deliriums, and even in madness itself, and also in hysteric complaints. Externally, it is used in pains of the limbs, erysipelas, and even to abate inflammations of almost all kinds, under proper management.

CANADA. In the year 1759, general Wolf and admiral Saunders being sent with an army and fleet from Great-Britain to attack this very considerable settlement of the French, their armies were blessed with such success; that they made themselves masters of the city of Quebec, the capital of that country, situated on the river St. Lawrence. At the same time, general Amherst, the conqueror of Louisburgh the year before, with Sir William Johnson, and a large army of regulars from England, provincials, and Indians, marched against the French settlements at Crown-Point, Ticonderoga, and Niagara; the two first of which were abandoned on the approach of general Amherst; but winter coming on, prevented his proceeding to Montreal, and thereby making a junction with general Wolf. While this was doing, Sir William Johnson besieged Niagara; and an army of French and Indians coming to raise the siege, he entirely defeated them, on which the place surrendered. General Forbes marched with another army to attack Fort Du Quebec on the Ohio, which the French set on fire and abandoned on his approach. This finished the operations in this country for the year 1759.

In the beginning of the following year, 1760, the French from Montreal attacked the new conquest of Quebec; but raised the siege on the arrival of the English fleet, abandoning their tents, baggage, artillery, &c. On the approach of summer, general Amherst proceeded with his plan for the entire conquest of this country; and notwithstanding the difficulty of bringing up artillery, and supplying an army with provisions at so considerable a distance from the back settlements of our colonies, he arrived at Montreal in the beginning of September, where he was joined by general Murray from Quebec. The day general Murray arrived, articles of capitulation were agreed upon between general Amherst and the marquis Vaudreuil, commander in chief of the French troops in that country, and governor-general of the colony, for the surrender not only of Montreal, but of all Canada.

This country is of a prodigious extent, and by its large lakes and rivers, formed for the greatest inland navigation in the world. The French inhabitants, who by the articles of capitulation are allowed to remain in the country and enjoy their estates, amount to near one hundred thousand: these, with the demand of goods for the Indian trade, will occasion a very considerable consumption of British commodities, and consequently greatly encrease the exports to America. Another advantage will arise to Great-Britain, in relation to the hat-trade, as by this conquest and Hudson's-Bay, the whole fur-trade of beavers, so useful for producing that commodity, will be confined to this kingdom.

CANAN, a liquid measure of the kingdom of Siam, which the Portuguese call *choup*; it contains near a pot, or near two pints of Paris; one fourth of the *canan* is called *laing*, the same as the French *chopine*.

CANAL. By this word is defined all navigable *canals* which are the work of human industry, in contradistinction to natural rivers: the great advantages arising to the commerce of a country furnished with navigable *canals*, is apparent from the success that has attended them in China, in France, in Holland, and in the Netherlands; and it were to be wished these examples were more followed in England: for, by means of these *canals*, the relative riches of a state are augmented, by facilitating the transport of the manufactures and natural products of the country; and by affording the merchant an opportunity of exporting them on easier terms; the higher price of land-carriage frequently augmenting considerably the price of coarse heavy merchandize, the freight of which by water would be but very inconsiderable: the internal trade of a country is likewise greatly encreased by means of these *canals*, the counties or provinces are better united or connected together, and by mutual intercourse are greatly enriched.

The difference of the charge of transporting merchandize in waggons, or by water, may be easily ascertained by taking the prices of each on a bale of woollen goods from Colchester to London, to which there is the double communication by land and water.

Of late the spirited conduct of the duke of Bridgewater in forming navigable cuts or *canals*, has induced many others to follow so laudable an example, which will be attended with considerable advantages to the commercial concerns of this kingdom.

CANANOR is one of the largest kingdoms of Malabar, and though it yields to Calicut in extent, it greatly exceeds it in trade and number of inhabitants. Its principal maritime places are Bilipatam, Tramapatam, and *Cananor* the capital, to which it has given name. The Portuguese for a long time preserved here the first fort they built in India; but lost it, with Cochin, in 1662; from which time the Dutch, who took it, remained in a manner masters of the trade of this part of Malabar, which has not less than twenty-five leagues of coast.

The goods extracted from hence are sugar, pepper, ginger, cardamoms, areca, elephants teeth, cassia, honey, and ambergris, found at Cape Comorin. Here is some trade carried on in jewels, as granates, sapphires, hyacinths, rubies, topazes, and particularly a stone, called by the Europeans, from the place of its produce, *Cananor-stone*, of some use in medicine with the French. It is asserted, that upwards of two hundred vessels come here yearly; and though a considerable trade is carried on in the above-mentioned commodities, it is certain that rice, in which this kingdom so much abounds, is the chief loading of them.

Caola is a village one league to the southward of *Cananor*, where very fine linens are made; and a little further, *Tremapatam* is renowned for its bazar, merchants, and linens.

CANARY ISLANDS. These are the same the ancients knew under the name of the *Fortunate Islands*; whose discovery is nevertheless reckoned only from the year 1348, or at most a hundred years before; they were in a manner forgotten for several ages, and as one may say, lost all that time to the nations of Europe, who had no knowledge of them. The Spaniards are at present their masters, and have possessed them ever since 1552, when they were given up to them by the successors of their first conquerors. They are situated to the west of Africa, over

against the kingdom of Morocco, being eighty leagues distant from that coast, and till lately were counted only seven in number, of which the principal is called the *Grand Canary*; the other six are, *Palma*, *Ferro*, *Gomera*, *Teneriffe* (so famous for its Peak, or mountain, supposed to be the highest in the world) *Fuente*, *Fortaventura*, and *Lancarote*; but for some years past, *Clara*, *Labos*, *Graciosa*, *Roca*, *Aleganza*, and *Infierno*, have been discovered and added. The soil of these isles is extremely fertile in all sorts of grain, fruits, and legumes, particularly in those excellent wines, so much esteemed over all Europe, where so large a quantity is yearly transported: Mr. Savary says, that between us and the Dutch, an annual export is made from thence of above thirty thousand tons of this pleasant cordial; yet we cannot think it amounts to so much: sugar is also cultivated here in great plenty, and in the *Grand Canary* only, twelve mills are employed in grinding the canes, and in proportion on the other isles, so that here may be as much, or near as much made, as there is at St. Thomas's; the other goods extracted from these isles are honey, wax, goats skins, pitch, or black gum, divers sorts of fruit, sweet meats, poultry, great and small cattle, with a large quantity of Canary birds, which, though seemingly a trifling article, swells the amount of their trade very considerably.

The English, who trade more here than all other nations put together, in a manner supply these islands with all the European goods they want, which consist in cloths, ordinary camlets, bays, mostly blacks, and emerald greens, anascotes, black and white, sempiternas, most blues, lamparillas of all colours, worsted stockings, woven and knit, hats, gogonelles, linen from Holland and Hamburgh of two or three sorts, other fine and coarse linens, all numbers of thread, household furniture, such as escrutores, chests of drawers, chairs, &c. Horse-harness, pewter, mercery, and hardwares; Irish hides, all sorts of silk (though most of these are now supplied from Spain) men and women's silk stockings, ribbons, wheat, barley, flour, and all sorts of pulse, herrings, pilchards, beef, pork, butter, cheese, and candles; with all which the other isles are supplied from Teneriff.

And the English take in return the Malvoise and dry wines made here, of which, in a good year, Teneriff only, produces above thirty thousand pipes (one third Malvoise) and Palma and Ferro, fifteen or sixteen thousand pipes each.

Besides the galleons and flota, several ships are permitted annually to sail from these islands for Spanish America, under the limitations of carrying their products with them, or returning with no other commodities, than those of the growth of that country, and out of these silver and cochineal are excepted; however, they find means to evade these restrictions, both going and coming, and the English have always warehouses of goods here to supply the demands made on such occasions: these ships have a right to proceed to all the Spanish ports in that part of the world, except Vera Cruz, Carthagena, and Porto-Bello.

CANDIA. See ARCHIPELAGO.

CANDLE, a small taper of tallow, wax, or spermaceti, the wick of which is commonly of several threads of cotton, spun and twisted together. A tallow *candle*, to be good, must be half sheep's, or ewe's tallow, or rather goat's tallow, and half ox, or cow's tallow, melted together and well purified.

By the 9th and 10th of Anne, certain duties are granted in England on *candles* and *soap*.

Makers of *candles* are not to use melting-houses without due entry thereof at the excise-office, on pain of one hundred pounds. And to give notice of making *candles* to the excise-officer for the duties, and of the number, &c. or shall forfeit fifty pounds. Removing the *candles* before weighed by the officer, or mixing them with others, &c. is liable to penalties.

Candles, *sepe*, and *starch*, may not be imported into Great-Britain in any package less than two hundred and twenty-four pounds net, to be stowed openly in the hold of the ship, on forfeiture thereof, together with the package, and fifty pounds by the master, or other person taking charge of the vessel. 23 Geo. II. c. 21. s. 27.

But upon any information brought against the master, or other person having charge of the vessel, for this penalty,

nalty, he may stop the wages of the men serving on board till it is heard and determined; and if it then appears the goods were put on board by any of them without his knowledge, he may keep in his hands so much of the wages of the persons guilty of, or privy to the offence, as shall answer the penalty inflicted on himself. 26 Geo. II. c. 32. f. 8.

Officers of the excise, as well as officers of the customs, may go on board to rummage and search for the same, and seize such as are forfeited, or such as are landed or landing before entry and payment of the duties. 23 Geo. II. c. 21. f. 28.

Every sufferance, cocket, or transire, granted for carrying the said commodities coastwise, must express the quality, quantity, and weight, the mark of the package, by whom made and sold, and to what places consigned; and if shipped without such sufferance, &c. they are forfeited, with the package. 23 Geo. II. c. 21. f. 29.

Officers of excise or customs may seize any of the said commodities, together with the package, on board any vessel, or in any carriage, upon suspicion that they were privately made, or clandestinely imported, or exported and re-landed after draw-back of the duty; and the person in whose possession they are found, unless, at hearing the information, he proves the payment of duty, forfeits the goods, with the package, and five pounds for every hundred pounds weight. 23 Geo. II. c. 21. f. 30.

Candles, soap, or starch, landed before any entry and payment of the duty, or re-landed after shipped for exportation (if specified in the certificate from which a debenture is to be made out for the draw-back) are forfeited, with the vessel, boat, horses, or carriage used in the removal, and five pounds for every hundred pounds weight by the person from whom seized, and so in proportion. 23 Geo. II. c. 21. f. 31.

For knowingly harbouring thereof, the penalty is fifty pounds for every hundred weight, besides forfeiture of goods and package. 23 Geo. II. c. 21. f. 32.

Seized for non-entry or non-payment of duty, the proof to lie on the owner or claimer. 23 Geo. II. c. 21. f. 35.

Seized as forfeited, and not claimed within twenty days, if within the limits of the excise-office in London, notice of the day and hour of trial, signed by the solicitor of excise, may be fixed upon the Royal Exchange; if without those limits, notice is to be given by proclamation, at the next market-town on next market-day, of the day and place of trial, by justices of the peace, and the commissioners of excise, or justices of the peace respectively, may proceed accordingly to trial and condemnation, whose judgment shall be final. 23 Geo. II. c. 21. f. 33.

Information for condemnation of seizures (if claimed within twenty days) and for penalties and forfeitures by this act, if within the limits of the excise-office in London, are to be heard and determined by the commissioners of excise, or, in case of appeal, by the commissioners of appeals; if out of such limit, by two justices of the peace near the place, and in case of appeal, to be determined by the justices at the next quarter-sessions; their judgments to be final, and proceedings not liable to be suspended by *certiorari*. 23 Geo. II. c. 21. f. 37, 40.

The commissioners and justices respectively may mitigate the forfeitures, but not reduce them to less than one-fourth part thereof, over and above the costs and charge. 23 Geo. II. c. 21. f. 38.

Soap and starch made in Ireland, or the Isle of Man, or in any other place beyond-sea, are intitled to no drawback upon exportation. 23 Geo. II. c. 21. f. 36.

CANDLE, a sale, or auction, by *inch of candle*, is when a small piece of candle being lighted, the by-standers are allowed to bid for the merchandize which is selling; but the moment the candle is out, the commodity is adjudged to the last bidder.

CANDO, CANDI, or CONDI, a long measure used in several parts of India, and particularly at Goa, where it corresponds with seventeen Dutch aunes, seven-eighths *per cent.* bigger than the aunes of Babel and Bassora; and six and a half more than the varre or aune of Ormus; silks and woollens are measured by the varre, but linens by the *cando*; which measure in the kingdom of Pegu is equal to the aune of Venice.

CANDIL, or CANDILE, a measure of continence

used in India, and Cambaya at Bengal, for rice and other grain; it contains fourteen boisseaux; and weighs near five hundred pounds, and the gauge of ships is reckoned here by the *candil*, as it is by the ton in Europe; so that when it is said, a vessel is four hundred *candils* burden, it is to be understood the can carry two hundred thousand pounds, or one hundred tons.

It is also a weight used in China, and at Galanga, of which there are two sorts; the smallest being sixteen mauns; the other, which is the heaviest, consists of twenty mauns; the first makes three chintals good weight, and the last three chintals and three rubis; the rubis making thirty-two rotolis.

CANE, a walking-stick. That which we intend to give an account of, is called by the Dutch *rolting*. It is a reed brought from the East-Indies. There is a great trade of them at Paris and at London. It is customary to adorn them with a head of gold, silver, agate, ivory, amber, and even sometimes enrich them with precious stones, and frequently the head is only of some sort of wood. Sometimes, instead of a head, they put a spying-glass on the top of the cane.

Some are without knots, and very smooth and even; that is, when the reed is grown so long that the distance between two knots is large enough to make a cane. Others are full of knots, about two inches distant from each; these last have very little elasticity, and will not bend so well as the others.

Lastly, there are canes made of several sorts of precious wood, as, ebony, St. Lucia's wood, rose-wood, &c. These, indeed, are nothing but sticks; but, as they serve for the same purposes as canes, they have got that name.

CANES of Bengal. The most beautiful canes which the Europeans bring into England and France, &c. come from Bengal. Some of them are so fine, that people work them into vessels, or bowls, which, being varnished over in the inside, with black or yellow lacca, or of some other colour, will hold liquors, as well as glasses, or China-wares does, and the Indians use them for the same purposes.

These bowls are made much after the same manner as those fine ozier baskets that they make in France and in Flanders, and which are very much esteemed on account of the nicety of the workmanship. There are canes, also, that are slit into narrow bits, and serve to make rattans; which were formerly greatly used in the making of *cane-chairs*, and hoops for the ladies, in several parts of Europe.

Canes and rattans, to what duties liable. 4 Will. and Mar. c. 5. f. 2.

CANE is also a long measure, which serves to measure bodies extended in length, as cloths, serges, linens, and other such merchandizes. It is longer or shorter, according to the several countries and places where it is used.

At Montpellier, and in all Lower Languedoc, as also in Provence, in the country of Avignon, and in Dauphiné, the cane is six feet and three-fourths of an inch long, which make an ell and two-thirds of Paris: so that three canes of Montpellier make five ells of Paris.

At Naples the cane is six feet ten inches and one-sixth, which make an ell and fifteen-sevenths of Paris; so that seventeen canes of Naples make thirty-two ells of Paris.

The canes of Thoulouse, and of all Upper Languedoc, and even of some cities in Guienne, is equal to the varre of Arragon; it is of five feet five inches and a half, which make an ell and a half of Paris; so that two canes of Thoulouse make three ells of Paris.

Cane is also said of that which has been measured with a cane, as a cane of cloth, a cane of muslin, &c.

CANE, a *sugar-cane*, is the reed with the juice of which sugar is made. See SUGAR.

CANELLA ALBA, *white cancella*; cinnamon, or *white canella*, in smaller pipes, *C. Bauh.* falsely called *cortex winteranus*, or *winter's-bark*, is a bark rolled up into long quills, and cleared from the outer coats. It is both outwardly and inwardly of a whitish colour, lightly inclining to a yellow; it is thicker than cinnamon, has a fragrant smell, and a smart, pungent taste, with something of the aromatic in it, resembling a mixture of cinnamon, ginger, and cloves. The *white canella* yields, upon being macerated and distilled, an aromatic essential oil, of a yellowish

yellowish colour, which somewhat resembles in smell the oil of cloves, and sinks in water. *Canella* is often used in the shops for *winter's-bark*, which it greatly resembles, and to which it is not an ill substitute.

CANICA, a sort of spice, which grows in the Island of Cuba. It is a kind of wild cinnamon, but its taste is more like that of cloves than of cinnamon. It is also used in medicine, where they substitute it in the room of cassia. It is a pretty saleable commodity in the Spanish islands.

CANNON, a military engine for throwing balls, &c. by the help of gun-powder.

The matter of which *cannons* are made, is metal, either iron or brass, or rather a mixture of copper, tin, and brass. The mixture of tin is designed to make the metal more compact and dense; so that the heavier the copper is, the less tin it requires. It is usual to add eight pounds of brass and ten pounds of tin to one hundred pounds of copper; but sometimes they use ten pounds of tin, ten pounds of lead, and five pounds of brass.

The new *cannon*, that are made after the Spanish manner, have a cavity or chamber at the bottom of the barrel, which helps their effect.

CANNON, with letter-founders and printers, signifies also the largest size of letters they use.

CANOE, a small boat made of the trunk of a tree bored hollow, and sometimes also of pieces of bark sewed together. It is used by the natives of America to go a fishing in the sea, or upon some expedition, either by sea, or upon the rivers and lakes. The negroes in Guinea, and even many nations in the East-Indies, use also *canoes*. The French in Canada likewise learnt the use of them, and went in *canoes* to the habitations of the savages, and carried them European commodities, which they exchanged for skins and furs, &c. These *canoes* are made only of the bark of trees, chiefly of birch: two-men are sufficient to manage such a *canoe*; and, when the falls of the rivers oblige them to land, they carry the *canoe* and merchandizes on their shoulders, till they come above or below the fall, according as they go up or down the rivers or lakes. The largest *canoes*, made of the bark of trees, rarely hold above four persons.

The *canoes* made of the trunk of one tree, keep that name as long as they are so small, that not above three or four persons can go in them. When they are larger, those of the Americans are called *pirogues*, and those of Guinea *cham*.

The *canoes* of the savages, about Davis's-Streights, are more extraordinary. They are seven or eight feet long, and two broad; composed of small sticks of a very pliant wood, in the form of a hurdle, and covered with seal-skins: every *canoe* holds but one man, who sits in a hole made in the middle of the *canoe*.

CANTARO, a weight used in Italy, and particularly at Leghorn, to weigh some sorts of merchandizes.

There are three sorts of *cantari*, or quintals; one weighs one hundred and fifty pounds, the other one hundred and fifty-one, and the third one hundred and sixty. The first serves to weigh allum and cheese, the second sugar; and the last wool and cod-fish. Other merchandizes are sold by the hundred weight, or by the pound. Lead, wood of Campeachy, or logwood, or that called Brazil, &c. and other wood, are sold by the thousand weight. The pound of Leghorn is of twelve ounces, mark weight; and that of Paris, Amsterdam, Straßburgh, and Besançon, where the weight is the same, of sixteen ounces, also mark weight: and, at that rate, these three sorts of *cantari* ought to yield at Paris as follows, viz.

The *cantaro* of one hundred and fifty pounds, one hundred and three pounds eight ounces.

That of one hundred and fifty-one pounds, one hundred and four pounds three ounces.

And that of one hundred and sixty pounds, one hundred and ten pounds six ounces three drachms, and something more. This last makes one hundred and thirty-six pounds at Marfeilles.

CANTARO, is also a measure of contents used at Cochin; there are three sorts of them, whose difference is only of a few pounds. They use the one or the other, according to the several merchandizes they would measure. Commonly the *cantaro* is of four rubis, and the rubi of thirty-two rotolis.

CANTHARIDES, are a fly of a shining green colour, intermingled with somewhat of the blue, and of a golden yellow; according to Herman and Dale, of an acrid highly caustic taste, while fresh. They are found adhering to certain kinds of trees, in the warmer climates of Spain, Italy, and France; and sometimes in Germany. In bulk and colour, they differ considerably from each other: the largest, and most esteemed, are brought from Italy: they are killed by the steam of vinegar, and then dried in the sun. *Cantharides* should be chosen large, fresh, dry, whole, and without dust; they are apt to rot upon keeping, and fall to powder, when they are good for nothing.

Cantharides, boiled in spirit of wine for a considerable time, impart to it a yellow colour; this tincture has little or no taste, and not the least appearance of acrimony: the fly looks more beautiful after this treatment than before. Water extracts from *cantharides* a muddy yellowish tinge, but does not become, even after long boiling, sensibly saline to the taste, or possessed of any degree of pungency or acrimony: the fly loses considerably of its beautiful hue.

The principal use of *cantharides* at this time is external in the making of blisters. We have several English insects of the same kind, which answer the same purpose, but they could not easily be collected in sufficient quantity. Besides this external use, there have been at different times people who have been very free with them internally. Groenvelt suffered very severely for the attempting to make their use general, but we at this time retain a tincture of them in the shops, and people who are sufficiently upon their guard in the use of it, find it an admirable medicine. It is diuretic and emmenagogue, and has been even given in the gout with success.

The volatile salt of *cantharides* has been greatly recommended by many people, but the tincture is the only preparation now in use.

Tincture of *cantharides* is made in the following manner: take of *cantharides* bruised two drachms, of cochineal half a drachm, of proof-spirit a pint and a half; digest them together two days, in a sand-heat, then filter the tincture for use.

A much more powerful tincture than this may be made with the addition of an acid, and may be used by a prudent person with perfect safety.

Take of proof spirit two ounces, oil of vitriol two drachms; mix these together, and put into the mixed liquor two drachms of *cantharides* bruised; let these stand in digestion twelve hours, then add eight ounces more of proof spirit, and shaking the whole together, set it in a sand-heat for two days; the spirit in this time acquires a pale yellow colour, and is to be filtered off for use. A few drops of this are to be first given, and the dose daily increased, till they are just felt on making-water; the dose is then to be reduced a little, and in continuing it thus, just below the degree in which it would do mischief, the greatest effects are to be expected from it. *Hill*

CANTIMARONS, or **CATIMARONS**, a kind of float or raft, used by the inhabitants of the coast of Coromandel, to go a fishing, and to trade along the coast. They are made of three or four small canoes, or of trunks of trees dug hollow, tied together with ropes of cocoa, with a triangular sail in the middle, made of mats. The persons who manage them are almost half in the water, there being only a place in the middle a little raised to put in their merchandizes; which last particular must be understood only of the trading *cantimarons*, and not of those that go out a fishing.

CANTON is the port where all the Chinese junks are loaded for abroad, and where they come to bring their return; the places for which they commonly load, are, the Isle of Hainam, Cochinchina, Cambay, Tunquin, Siam, Batavia, Japan, Manilla, Surat, the Maldives, and Achan.

Of the commerce of Canton to the Island of Hainam.

This isle, situated ninety leagues to the south-west of the river of *Canton*, is part of the emperor of China's dominions, so that seemingly it should not be comprized in the exterior trade of China; but as the Chinese themselves count it among the places of their foreign traffic, we shall therefore begin with it.

Vessels may go and come from *Canton* to the Isle of Hainam all the year, but the best season for leaving *Canton* is the end of November, and that of returning from Hainam, the month of June; those who depart in the good monsoon may make their passage in less than eight days, but those who sail against the monsoon, commonly employ a month, and sometimes six weeks in the voyage. The goods they carry with them to Hainam, are wrought and unwrought iron, iron chaldron, cotton, cotton linens, called Canques of Foiken, ditto of Nanquin, common straw mats, and garlick. The commodities in return for *Canton*, are various sorts of rattans, yellow-wax, galangals, venison salted and dried, areca, cocoa-nuts, stags-skins, and nerves, and aloes wood, of which it is said there are thirteen sorts.

Commerce from Canton to Cochinchina.

The king of Cochinchina is the only merchant that may publicly be dealt with, yet sometimes he permits particulars to buy and sell: and though the licence for so doing costs dear, it is notwithstanding always very advantageous, and every ship, on arrival, makes to him or his officers a present to the value of about four hundred taels.

The Chinese vessels leave *Canton* the beginning of March, and commonly arrive at Cochinchina about the fifteenth, though sometimes the weather detains them till the twenty-fifth; and to return from thence, they must set out the beginning of July, having generally the same passage coming as going.

The goods proper for Cochinchina, are the caches (a copper money) of Hainam and *Canton*, brimstone, salt-petre, (though it must be observed, that both the last commodities are not permitted to be loaded at one time, in the same ship, nor either of them separately, without a particular licence, which always costs dear, as these are prohibited exportation from China) gold stuffs, fine white and red crapes, ginseng, thin crimson sattins of *Canton*, coarse porcelain for common use, all sorts of medicinal drugs, thick paper for burning before their pagods, glass bracelets, ordinary and fine, iron kettles, and leaf-gold. The returns from thence, are in gold ingots, Agracaramba wood, darts, areca, (the best in India) black wood, rhinoceros horns, (of three sorts) buffalos and cows horns, pepper, fish, called bitchemaree, sea-dogs skins, strong coarse silk stuffs, birds-nests, white sugar and sugar-candy, and Japan wood for staining yellow.

Trade of Canton with Camboya.

The Chinese vessels, which carry on this trade, sail from *Canton* the beginning of January, and spend in their passage from fifteen to thirty days, according as the weather favours; their return is commenced at the end of June, that they may arrive in China the succeeding month. The whole commerce is transacted in the southernmost part of Camboya, near three hundred and fifty leagues from the river of *Canton*. Every ship on arrival makes a present to the king and his four principal officers of three or four hundred taels, and then have liberty to trade with whom they please.

The commodities commonly sent here are only five, viz. iron anchor flocks, umbrellas, rattan mats, all sorts of fruit, and porcelain. The returns are sapan or Brazil wood, elephants teeth, lacque, lounge for painting yellow, birds, buffalos, chameaux, cows and stags skins, buffalo and cows horns, peacocks feathers, and taffousia, a medicinal drug.

Canton's trade with Tunquin.

Tunquin is two hundred and twenty-five leagues from the river of *Canton*, which is commonly sailed in ten or twenty days, and the return much the same; the seasons for departing and coming back, are the beginnings of January and July. The presents which these people make the king and seven of his officers hardly amount to three hundred taels, though all other nations pay a great deal more: the merchandizes carried hither, are *Canton* cashes, iron kettles, small brass cannon, pewter in gilt leaves; all sorts of drugs, at least an hundred species, ordinary porce-

lane, cloves, pouchoc, a drug serviceable in medicine; and for dying yellow, silk, or thin taffeties, red crape of *Canton*, gauze of the third sort, glass necklaces, vermillion; allum, rupiedfy, (a drug for dying black) and all sorts of Chinese fruit. The goods loaden in return, are yellow raw silk, mudis, or stuffs made of a tree's bark, several sorts of taffeties, coarse and fine canques, or cotton linen; Brazil wood, cinnamon, (not extraordinary good) lacque, aniseeds, and caramangee, a medicinal drug.

Commerce of Canton and Siam.

The ships sail from *Canton* for Siam about the 20th of November, and are thirty or forty days in their passage, and their return is begun in June, that they may arrive any time the month following; and the king here, as in Cochinchina, is the only one to trade with.

The Chinese carry a large quantity of all sorts of goods here, and bring no fewer back; the outward-bound cargoes consisting of wrought and unwrought iron, tountanaque, allum, white sugar, wrought copper, latten and iron wire, copper basons of different sizes, cast copper cisterns, iron kettles five within one another, (all which commodities serve as ballast) damasks and fattins of all colours, striped and common taffeties, gauzes, sewing silk, marelle, a red nanquin paint, chuamong, a medicinal drug; figie-caque, a Chinese fruit, sugar-candy, raisins, prunes, dried chestnuts, water-melon seeds; copper drums, called gans, quicksilver, and three sorts of gold wire. The goods that compose their cargoes on return, are elephants teeth, lead, pewter, areca, Brazil wood, tafousic, or taffousia, a medicinal drug, (all which serve for ballast) lacque, horses, cows, buffalos, and stags skins, buffalo and rhinoceros horns, myrrh, lounge, birds-nests of three sorts, pouchoc, incense, birds-skins with their feathers; peacocks tails, two sorts of stags nerves, and caye-lac, an odoriferous wood, for burning before their pagods.

Of the trade between Canton and Batavia.

Batavia is seven hundred leagues from *Canton*, and ships which go from the former to the latter, sail the beginning of December, in order to arrive in the following month; and when return, they set out on the second or fourth of June, and get home in July. The goods the Chinese carry with them, are tountanaque, gold, fine and ordinary porcelanes, several sorts of tea, copper basons, gold wire of *Canton* and Nanquin, fattins, and damasks, the greatest part black, taffeties, three sorts of sewing silk, aniseeds, quicksilver, vermillion, musk, borax, iron kettles, five and seven in one another, rhubarb, arcaissoul, a medicinal drug, copper like the Japan, very thin *Canton* taffeties, of all colours, Canton glass, and China root. The homeward bound cargoes consist of lead, pewter, pepper, incense, pouchoc, caremangee, camphire, coral, rattan and other mats, rattans, nutmegs, cloves, yellow amber, myrrh, asla-scetida, azeboucq, a medicinal drug, Guinea pepper, birds-nests of two sorts, and sugar-candy.

Commerce from Canton to Japon or Japan.

As we shall have occasion to treat amply of this island, in the article that will be dedicated to it, there will be no room to enlarge on it here; so we shall only confine ourselves to that carried on by the Chinese, in a large number of junks that they yearly send to this place from *Canton*; and the port of Japan, which their business leads them to, is called Langi-Afakie, situated in thirty-six degrees six minutes of north latitude, and in an hundred and fifty-one of east longitude.

In order to secure a successful passage, the vessels should leave *Canton* the beginning of May, that they may get to their intended harbour in about twenty-five days, as a timely arrival is of the utmost importance to the sales of their goods, a preference being always given to the first comers, when the merchants or captains demand it; and this claim should never be neglected, as the Chinese send so many junks in some years, that several which arrive last, are obliged to carry all, or at least a part of their cargoes back again.

On approaching to the harbour, the vessel must anchor at three leagues distance to give the custom-house officers

time to visit her, and take the captain's declaration, which must be in writing and contain his name, that of the junk, the place he came from, and those he touched at, the number of his crew, when he failed, the condition of his goods, the size of his vessel, the number of his guns and small-arms.

As soon as the visit is over, the Japanese pilots come aboard, and carry the vessel into port, where, when anchored, the loading is delivered into the warehouses which the director-general of trade furnishes; where the sales are made on the day, and at the hour appointed by him.

The goods proper for this voyage are coral in grains, agracaramba (an odoriferous wood) Ultramarine, (none but the king of Japan can buy these commodities) enamel of five different colours, allum, iron, tontenague, white and brown sugar (which five articles serve for ballast) fattins, of which more than two-thirds are black, white taffeties of *Canton* and Nanquin, white and red crape of Nanquin, *Canton* fishing-lines, vermillion, raw silk of Nanquin, galanga, legumen, yellow lacque, as it distils from the tree, areca bark, ychitsee, a medicinal drug, caramangee from China, solio chiroze (a medicinal drug) yellow wax, Chinese white linen of several sorts, green allum, honey, chienfou, a medicinal drug, sugar-candy, benzoin, aloes wood of three sorts, gum sandrac, tortoise shell, camphire of three sorts, puchoc, incense, myrrh, lounge, mulk, rhuarb, cinnamon, chuangon, a medicinal drug, and a very bad saffron. In return, the Chinese take lacque or varnish, porcelanes, fine pearls, steel, wrought copper, and a sort of camphire proper for China.

Trade from Canton to the Manillas.

These isles are two hundred leagues from the river of *Canton*, which the Chinese ships sail for in the month of March at latest, and depart from thence in July. All the junks that go this voyage make the governor and superintendant of the customs at the Manillas, a present on arrival, which at first was only voluntary, but the continuance has made it become a right.

This trade was formerly very advantageous, but it is greatly decayed; in 1700 the goods from *Canton* lost thirty per cent. at the Manillas, and though afterwards they grew something better, yet nothing in comparison to the value they once bore there. When the Spaniards go from their islands to *Canton*, they carry a parcel of embroideries, and a little mulk with them; and what a Chinese cargo for the contrary voyage consists of, is tontenague, iron, porcelanes of all sorts, canques of *Canton*, and others of Nanquin, very ordinary sailcloth, several sorts of cloths, called Nunna, flowered damasks, plain fattins, various species of taffeties from *Canton* and Nanquin, white and red crapes, plain and flowered moeres, with raw and sewing silks. In return, they bring Brazil wood, stags flesh, salted or dried, stags nerves, and pearls.

Of the trade from Canton to the Maldives, touching at Achem.

For this voyage a ship of an hundred and fifty to two hundred tons burthen is the properest, navigated with five or six Europeans at most, and the rest of her crew Lascars or Lascars. The season for sailing is the end of October, to arrive at Achem between the first and tenth of December at latest, that they may depart for the Maldives in time. The loading of this vessel should be composed first, with merchandize proper for the Moors of Achem, who trade for Surate. Secondly, with those convenient for the natives there. And thirdly, with such as may suit the Maldivean market. The goods for Surate are fifty ton of white sugar, an hundred pieces of Japan copper, twenty to fifty pieces of sugar-candy, two hundred pieces of tontenague, twenty to forty pieces of quicksilver. The goods for the natives of Achem are, coarse porcelane about five hundred taels, copper basons of different sizes, twenty pies of Chinese tobacco in pound and half-pound papers, fifty pieces of gold *Canton* thread of the third sort, twenty catis, the ends must be of silk, three or four barces of fine coffee, and tea cups and saucers, fifty pieces of taffeties squared, such as are sent to Siam for women's petticoats, fifty pieces of five-threaded damasks, with red, blue, and yellow

flowers. The returns made from thence are in shells, cauris, or cowries, which serve as money in many parts of the East-Indies, as they do on the coasts of Africa, where the Europeans carry them, dried fish, and the bark of the cacao-tree, prepared for spinning to make cables with. There may likewise enter into the *Canton* cargo for Achem, several species of European goods, such as all sorts of nails, iron anchors from three to fourteen quintals weight, iron guns from two to five quintals, wine and brandy in bottles, some chissels, spectacles, twenty barrels of pitch, paper, iron in flat broad bars, cordage from one to five inches thick, padlocks, and also some blue linen for women's petticoats.

Of the English trade from Madras to Canton.

The ships sail on their voyage in the month of July, and arrive there in August or September; sometimes they lose their passage, in waiting too long for those from Europe, to get dollars, as without these they can do nothing in trade to China. They sail on their return from *Canton* in January or February, and their voyage either going or coming is from forty-five to sixty days.

The goods carried from Madras, are English lead, lead and pewter from Pegu, Malaccan liquid storax, rattans from the same place, incense, assa foetida, Madras red wood, myrrh, puchoc, and fine pearls of all sorts. The goods, in return, are gold, copper from Japan, and ditto from *Canton* like the other, tontenague, allum, quicksilver, vermillion, ordinary porcelanes for the Moors use, white sugar, and sugar-candy from China.

Of the trade from Surate to Canton.

They carry from Surate to *Canton* the same goods as from Madras, besides a quantity of cotton; and those brought back from *Canton* are also the same, except the gold. They sail from Surate in the month of May or June, in order to arrive at *Canton* in August; and come from thence about the 15th of December, to finish their voyage in March.

The Europeans commerce with Canton.

The ships which annually arrive here from England, France, Portugal, and Holland, commonly bring the following goods, viz. silver, in various coins, all sorts of fine cloths, camblets, serges, and other woollen stuffs, fine linens from Holland; clocks and watches, looking-glasses of all sizes, mathematical instruments, English ewtees, pencils, paper of all sorts, various ornaments for both sexes, some European liquors, and especially wine; of all which commodities a good part is distributed in presents to the mandarins in the government of this place, and the merchants generally make a considerable advantage of the rest. They employ the silver they carry in the purchase of divers sorts of goods, in virtue of certain agreements made beforehand, which are raw silk, damasks wrought according to patterns given; plain silks, lacquered wares, green and bohea tea, badianes (a seed from the anis tree growing in China, so called from the smell which its wood has, like that aromatic in Europe) canes, and porcelane after the models and paintings directed. They also sometimes buy gold here, though but seldom, as they have it much cheaper in India. At *Canton*, some precious stones (excepting diamonds) are likewise to be met with, though never in any great quantity.

It is at Quantung and Fokien, that the best Chinese brocade silks are made, of which a large quantity are brought to Europe; all which commodities are purchased with ready money; and the sales of European goods are on the same terms, as strangers find a considerable difference in their disfavour by barter, and therefore maintain the method of buying and selling for ready money only.

In 1720, a commissary from the Mississippi company arrived at *Canton*, and obtained liberty from the court to reside there; but on proposing to load a ship, he found so many insurmountable difficulties lying in his way, that he thought best to decamp, and quit his uneasy residence; in the same year also a ship arrived there under the emperor's colours from Ostend; the fate of which company being so well known, I have no need to enlarge about it.

Besides

Besides what is before-mentioned, there are transported from Europe to China, and from China to Europe, a thousand trifles, which leave a considerable gain, though too numerous to be particularized.

CANTORY. See AFRICAN COSTS.

CANVAS, a very clear unbleached cloth of hemp or flax, wove very regular in little squares. It is used in working tapestry with the needle, by passing the thread of gold, silver, silk, wool, through the intervals or squares. Most of the *canvas* for tapestry, which is sold at Paris, is made in the neighbourhood of Monfort l'Amours, and particularly at a place called Mefnil.

There is coarse, middling, and fine *canvas*: the finest are generally made of flax, and the other of hemp. All the pieces of *canvas* are forty-five ells long, Paris measure, but their breadth is very unequal; some being a quarter of an ell wide, others a quarter and a half, half an ell and one-sixteenth, half an ell and one-eighth, two-thirds, three-fourths, and three-fourths and an half of an ell, Paris measure. There are, however, some from thirty to forty-five ells long, by two ells wide; but the weavers make none of that sort, unless they are bespoke by the merchants.

Though tapestry seems no great object of trade, yet, besides what is used at Paris, and in the other great cities of France, they also export some into foreign countries, particularly into England, Poland, and some other places in the North of Europe.

CANVAS is also a coarse cloth of hemp, unbleached, somewhat clear, which serves to cover women's stays, also to stiffen men's cloaths, and to make some other of their wearing-apparel. These *canvasses* are five sixths of an ell broad, and from fifty to sixty ells long, Paris measure; they are sold by the current ell.

CANVAS is also a very coarse cloth of hemp, unbleached, which serves to make towels. This sort of *canvas* is made in Normandy, in the neighbourhood of Alençon, and in Perche, towards Montagne. It is commonly sixty ells long, and seven-twelfths of an ell broad, Paris measure.

CANVAS, or KANEFAS. Thus the Dutch call a sort of very coarse cloth made of hemp, very strong and very close, which is made in Holland, and serves to make sails for shipping. These cloths are sold by rolls, or pieces about twenty-eight ells long, and near two-thirds of an ell wide, Paris measure. The French buy but few, not to say none of these cloths of the Dutch.

The frequent losses some years since, of the sails of our shipping, as well among the royal navy, as merchantmen, proved a great disadvantage to the nation. This was generally allowed to be then owing to the *canvas* that was manufactured in England, and which comes far short of what we had from Holland, as to strength and goodness. But our own *canvas* is lately very much improved, and the importation from Holland, in consequence thereof, greatly diminished. And this, it is to be earnestly hoped and desired, will soon be the case, in regard to every other species of the linen manufacture.

CAOLA. See CANANOR.

CAP-MAKERS. There are shop-keepers who make and sell velvet caps for men or women to travel in; as also men's morning-caps. They deal in many sorts of millinery goods, as ladies hats, bonnets, cloaks, cardinals, short-aprons, hoods, handkerchiefs, or almost any thing made of black silk or velvet. Their apprentices ought to be smart girls of a genteel appearance; they should work well at their needles, and be ready accountants. Their friends must give with them from ten to thirty pounds, in proportion to the trade carried on by the mistress. They serve only five years; and are kept the first part of their time close to the needle. Those who cannot set up, may get fifteen or twenty pounds a year and their board as journeywomen; they being qualified not only to serve *cap-makers*, but may be shop-women to the milliners, the haberdashers, or to any buying and selling trade proper for women.

CAP-MERCHANT, in a trading ship, is the same officer who is called purser in a man of war. The French call him *scrivain*; he is appointed by the merchant to whom the ship belongs, to take care that nothing be embezzled nor squandered away.

In such ships whose cargo is not considerable enough to bear the expence of a *cap-merchant*, the master himself, or the mate, if thereto requested by the master, performs the office of a *cap-merchant*.

CAPE, in geography, is a promontory, or head-land, running out with a point into the sea.

CAPE-BRETON and ST. JOHN. These two islands belonged to the French, but were taken from them in the year 1758 by the English fleet and army, commanded by admiral Boscawen and general Amherst. The principal advantage of these islands is owing to their situation for the cod-fishery, which throws the whole of that invaluable trade into the hands of the English, calculated by some at so large a sum as eight hundred thousand pounds *per annum* profit, employing at least fifteen hundred ships, exclusive of large boats.

At the same time these islands were taken, the French neutrals (as they were called) were carried from Nova-Scotia to our more southern settlements, by which that lately settled colony is secured from inroads, both from them and the Indians.

CAPE de Trois Points. See AFRICAN COASTS.

CAPE de VERD *Isles*, discovered by the Portuguese in 1472 (some say in 1572) are to the number of ten, *St. Jago*, *St. Antonio*, *St. Lucia*, *St. Vincent*, *St. Nicholas*, the *White Isle*, the *Isle of Salt*, *Mayo*, *Fuego*, and *Buena Vista*. They are often called the *Green Islands*, from the continual verdure that covers them, and sometimes the *Salt Islands*, on account of the quantity made of this commodity, not only on the island bearing that name, but on some of the others. *St. Jago* is the capital and residence of the governor, who is a sort of viceroy, and commands all that the king of Portugal possesses in Afric, from *Cape Verd* to the Cape of Good Hope. The European nations, which trade to the East-Indies and Afric, commonly touch at these islands for refreshment, calling at *St. Jago* in time of peace, and contenting themselves to water, &c. at *Mayo*, *St. Antonio*, *St. Vincent*, or the *Isle of Salt*, when at war; the few Portuguese settled in these latter receiving and dealing with them, at all times willingly, though indeed they are in no condition to oppose their descent, if their inclinations led them to it. These islands were mere deserts when the Portuguese first began their settlements, though they now produce in abundance many commodities fit to support a considerable trade, but more especially raw hides of kids, goats, wild cows, &c. Cattle are so plenty, that several ships are employed in carrying them to Brazil; and the annual salting of fish caught near *Cape Verd* keeps many sailors at work, as it does also vessels afterwards, for its transportation to the Bay of All Saints, or Fernambouc.

The isles of *St. Vincent*, and *St. Antonio*, in particular, carry on a very lucrative trade in the oil they extract from tortoise that come ashore in certain times of the year, as well as in ox hides, which they dress in the same manner with them in Spain and Portugal.

In fine, the rice, honey, Turkey wheat, oranges, lemons, pine-apples, and several other delicious fruits; as also the great quantities of tame and wild fowl, found here, not only serve for the food and regales of the inhabitants of these isles, but also for the traffic which they have with strangers, who come here to water, or to trade.

CAPER, *Capparis*, a bush with many running trailing branches, full of sharp crooked thorns, growing at the joints, with the leaves, which are set in an alternate order on the branches, about an inch long, and as much broad, a little pointed at the ends, on short foot-stalks. The flowers grow among these on pretty long stalks, consisting of four red leaves, full of curled apices in the middle; and are succeeded by long roundish fruit, containing a great number of small seeds. It grows in the southern parts of France, and in Italy, in sandy and stony places.

The *capers* commonly sold in the shops, are prepared thus: they gather the full-grown buds of the flowers before they blow, and spread them in the shade for three, four, or five hours, till they begin to grow flaccid, in order to prevent their opening. Then they put them in a vessel, add vinegar to them, cover them with a board, and let them remain in that state for eight days: then taking them out of the vessel, they squeeze them gently; and, adding fresh vinegar, let them stand in that condition for

eight days more. This operation they repeat a third time. This done, they are put into a cask with vinegar, to which some ale falt.

Their austere bitterish taste sufficiently convinces us of their astringent and corroborating virtues; and, if we consider the qualities they derive from the vinegar and salt, we may easily conceive, that they are of a resolvent and inciding nature: for this reason they are recommended as pickles with food, in order to strengthen a languid appetite; and are principally beneficial to those whose stomachs abound with gross pituitous humours, who have weak stomachs, and want a due appetite. They are also good for obstructions of the viscera, especially those of the spleen; for the palsy, and convulsions arising from a superfluity of peccant humours. They are also highly recommended in long and chronic fevers.

The root of the *caper-tree* is one of the five lesser opening roots. But, in a particular manner, the bark of the root brought from Egypt and Apulia, dried in small tubes like the cinnamon, but shorter, and rough, thick, of a cineritious colour, and of an austere, bitterish taste, is celebrated for its aperient and subastringent virtues; for which reason it is placed among the splenic medicines, and used in decoctions for disorders of the spleen. This bark is likewise used in splenic plaisters, according to Bauhine. It is an ancient custom, though we know not the author of it, to anoint the hypochondria of people afflicted with hypochondriac disorders and inflammations, with oil of *capers* (obtained by boiling the bark of the root in oil of olive) which is possessed of an attenuating and gently corroborating quality.

CAPERS. See PRIVATEERS.

CAPHA. See BLACK-SEA.

CAPHAR, a duty which the Turks raise on the Christians, who carry or send merchandizes from Aleppo to Jerusalem, and other places in Syria. This duty of *capbar* was first imposed by the Christians themselves, when they were in possession of the Holy Land, for the maintenance of the troops which were planted in difficult passes, to observe the Arabs, and prevent their incursions: but the Turks, who have continued and increased that duty, make an ill use of it, taking occasion from thence to affront the Christian travellers and merchants, extorting arbitrary and considerable sums from them to defend them, as they pretend, against the Arabs; with whom, nevertheless, they keep up a secret intelligence, favouring their excursions, pillage, and plunder.

CAPIAS. Persons in prison for want of sufficient bail (having been taken by *capias* issued out of the Exchequer, &c.) upon informations exhibited against them in the said court, for any frauds relating to the customs, excise, or salt-duties, refusing or neglecting to appear or plead to such information, for the space of one term, judgment may be uttered against them by default. 12 Geo. I. cap. 28. *sect.* 27.

Judgment obtained against such persons, and they not paying the sum recovered, execution may be awarded, not only against their bodies, but also against all their real and personal estates. 12 Geo. I. cap. 28. *sect.* 27.

CAPITAL, amongst merchants, bankers, and traders, signifies the sum of money which individuals bring to make up the common stock of a partnership, when it is first formed. It is also said of the stock which a merchant at first puts into trade, for his account. It signifies likewise the fund of a trading company, or corporation, in which sense the word *stock* is generally added to it. Thus we say the *capital/stock* of the Bank, &c. The word *capital* is opposed to that of profit or gain, though the profit often increases the *capital*, and becomes itself part of the *capital*, when joined with the former.

CAPLAN, a sort of small fish, which abounds in those places where they fish for cod: there is particularly great plenty of it on the coast of Placentia in Newfoundland. They use it to bait the hooks of the lines with which they fish for cod.

CAPSTAN, in a ship, is a large piece of wood of a cylindrical figure placed on the deck in a perpendicular direction. Its chief use is to weigh the anchors, &c.

CAPTIVES. There is an act made for relief of *captives* taken by Turkish, Moorish, and other pirates, and

to prevent taking of others in time to come. 16 and 17 Car. II. cap. 24.

CAPTURE particularly relates to prizes taken by privateers in time of war, which are to be divided between the captors, &c.

CARACCA. The *Caracca coast* in Spanish America, is fruitful in that sort of nut wherewith chocolate is made; and though it seems a long chain of mountains, yet it has many vallies where the inhabitants of *Caracca* (capital of the country) maintain their slaves to cultivate the said nut-trees, which produce the cacao less in size, than what is gathered in other parts, yet esteemed the best in quality of all that America yields.

This coast affords little trade besides this fruit, though here are some hides and silver, but these are contraband commodities; and the goods most vendible here, are several sorts of linens from Europe, and calicoes from India, brandy, earthen-ware, and several other manufactures of England, France, and Holland.

CARACOLI, a kind of metal, of which the Caribbees, or natives of the Lesser Antilles, make a sort of ornament, in the form of a crescent, which they call *caracoli*. This metal comes from the main land, and the common opinion is, that it is a compound of silver, copper, and gold, something like the Corinthian brass of old. These metals are so perfectly mixed and incorporated together, that the compound which results from them, it is said, has a colour that never alters, how long soever it remains in the sea, or under ground. It is something brittle, and they who work it are obliged to mix a large proportion of gold with it, to make the compound more tough and malleable under the hammer.

The English and French silver-smiths have made several experiments thereon in order to imitate this metal; they who come nearest to it, put to six parts of silver three of copper and one of gold: the skilful found this imitated mixture, though very fine, much inferior to that among the savages. Father Labat, from whose relation this article is extracted, is of opinion that the *caracoli* is a simple metal as produced from the mines, and afterwards refined. They make with it, in the French American islands, rings, buckles, heads for canes, and such other small works.

CARAGI. Thus they call, in the grand seignior's dominions, the duties of importation and exportation paid on merchandizes.

It must be observed, that the duty of importation is paid but once, and only at the custom-house where the merchandizes are first unloaded. If they be not sold, the importer or owner is at liberty to carry them to any other place, where, by producing the first receipt for the duty paid, he is free of any other custom-house duty.

Caragi is also the name of the custom-house officers who receive the duties. The general or chief officer, or director of the custom-house is called *caragi bachi*.

CARAGROUCH, a silver coin of the empire, weighing nine drachms, which does not amount to quite a French crown of three livres Tournois. It goes at Constantinople for one hundred and twenty aspers: there are four sorts of them, which are all equally current, and of the same value.

CARAMANGOE, a drug which comes from China, and is proper to be used in medicine. The Tonquinefe value it very much. That which the Chinese carry into Tonquin, costs them at Canton but six taels and two mas; and they sell it again for twelve taels and five mas.

CARANNA, according to Geoffroy, is a tenacious, resinous concrete, while fresh ductile like pitch, but hard and friable when it has been kept for any time, outwardly of an ash-colour inclining to black, inwardly of an obscure brown; or, according to Dale, of a pitch-colour, of a bitterish, resinous taste, a little like myrrh, and of a fragrant smell while burning. It is brought to us from New-Spain, and other parts of America, in little masses rolled up in leaves of flag. It should be chosen fresh, of a fragrant smell, free from other resins or impurities. Dale, Geoffroy, and some other writers, agree in this description of *caranna*; but I have never met with any which has come up to it: the sorts which I have seen have rather resembled storax than myrrh, both in taste and smell, and appeared outwardly of a dark brownish colour, and, upon

upon breaking, of a brown, with a cast of red, variegated with irregular white streaks. *Lewis.*

This resin affords, by distillation, a fine, thin, limpid, and odoriferous oil, which is esteemed, as the resin itself, a very powerful external remedy in cafes of pain, tumours, and wounds of the nerves. It is even used by some in the gout and sciatica. It is made into a plaister with the addition of Chio turpentine, and oil of mace, which is applied to the stomach in cafes of indigestion; and to the head, for the cure of inveterate pains there; but with how much success, we are not able to say.

CARAPACE, a thick, solid, and firm shell, which covers the turtle, or tortoise, and to which adhere those fine transparent shells, which are known under the name of tortoise-shells, and of which snuff-boxes and several sorts of inlaid works are made.

CARAT, or CARACT, is the common name of the weight which represents what degree of fineness gold is of.

The mint-master, or custom, have fixed the purity, or perfection of gold, at twenty-four *carats*, though it is not possible so to purify and refine that metal but it will still want about one-fourth part of a *carat* in absolute purity and perfection; that is, gold cannot be so refined but there will remain such a proportion of inferior metal, or alloy therein. See ALLOY.

The *carat* is divided into one fourth, one eighth, one sixteenth, and one thirty-second. These degrees serve to distinguish the greater or lesser quantity of alloy therein contained. For instance, gold of twenty-two *carats* is that which has two parts of silver, or of any other metal, and twenty-two of fine gold.

CARAT, which the Spaniards call *quilate*, is also a certain weight, which goldsmiths and jewellers use, wherewith to weigh precious stones and pearls. This *carat* weighs four grains, but something lighter than the grains of marc-weight. Each of these grains is subdivided into one-second one-fourth, one-eighth, one-sixteenth, &c. and upon that footing the price of pearls and precious stones is rated and fixed. Tavernier asserts, that the grand Mogul's famous diamond, which is reckoned the biggest in the world, weighs two hundred and seventy-nine *carats* and nine sixteenths.

In Spain, the *carat* or *quilate*, is also of four grains: three *carats* make a tomin, eight tomins a castellan, six castillans and two tomins one ounce, and eight ounces a marc: but the marc of Spain is about one-seventh lighter than that of France.

CARAVAN signifies a company or assembly of travellers and pilgrims, and more particularly of merchants, who for their greater security, and in order to assist each other, travel together through the deserts, and other dangerous places, which are infested with Arabs or robbers. This is the true origin of these associations. In order to form a *caravan*, it is necessary to have the permission in writing of a sovereign prince, approved, and as it were, authenticated at least by two sovereign princes of this neighbourhood. That permission must comprehend the number of men, carriages, and quantity of merchandizes, of which the *caravan* is to be composed. These merchants, to whom the *caravan* belongs, appoint its officers, and regulate every thing relating to its police or government during the march.

There are commonly four principal officers, namely, the *caravan-bachi*, or head of the *caravan*, the *captain of the march*, the *captain of stay or rest*, and the *captain of the distribution*. The first has the uncontrollable command and authority over all others, and gives them his orders; the second is absolute during the march; the third exerts his authority only when the *caravan* stops, and encamps in some place; the fourth orders the disposition of any part of the *caravan*, in case of an attack or battle. This military officer has also, during the march, the inspection over the distribution of provisions which is conducted under his management, by several inferior officers, who are obliged to give security to the master of the *caravan*, each of them having the care of a certain number of men, elephants, dromedaries, camels, &c. which they undertake to conduct, and furnish with provisions at their own risque, according to the agreement stipulated.

A fifth officer of the *caravan* is the paymaster, or treasurer, who has under him a great many clerks and inter-

preters, appointed to keep accurate journals of whatever happens; and it is by those journals, signed by the superior officers, that the owners of the *caravan* judge whether they have been well or ill served, or conducted.

Another kind of officers is the Arabian mathematicians, without whom no *caravan* will presume to set out: there are commonly three of them in the large *caravans*. These officers perform the functions both of quarter-masters and of aids de camp, leading the troops when the *caravan* is attacked, and assigning the quarters where the *caravan* is appointed to encamp.

Five sorts of *caravans* are generally distinguished; the *heavy caravans*, composed of elephants, dromedaries, camels, and horses; the *light caravans*, which have but few elephants; the *common caravans*, where there are none of those animals; the *horse-caravans*, in which they use neither dromedaries nor camels; and, lastly, the *sea-caravans*, consisting of a number of merchant-ships under the convoy of some men of war: whence it may be observed, that the idea of a *caravan* is not so intirely restrained to the land, but that there may also be *marine-caravans*.

The proportion observed in the *heavy caravan* is as follows: when there are five hundred elephants, they add one thousand dromedaries and two thousand horses at least; and then the escort is composed of four thousand men on horseback. Two men are required for leading one elephant, five for three dromedaries, and seven for eleven camels. This multitude of servants, together with the officers, and the passengers, whose number is not fixed, serve to support the escort in case of a fight, and render the *caravan* more formidable, and consequently more secure. The passengers, indeed, are not, according to the laws and usages of this mercantile cavalcade, obliged to fight; but in case of refusing so to do, they are not intitled to any provisions whatever from the *caravan*, even though they should offer to pay an extra price for them.

The officers and servants are paid every Monday, unless it be a new or full moon, in which case the payment is put off till the next day: they begin with paying the meanest of the servants.

Every elephant is mounted by what they call a *nick*, that is, a lad nine or ten years old, brought up to that exercise, who drives the elephant, and pricks it now and then, in order to fire it, in a fight. The same lad loads also the fire-arms of two soldiers, who mount the elephant with him. The day appointed for setting out is never altered.

In order to be better able to bear the great heat, the traders use drawers and stockings, made of a sort of cotton, extracted, as some travellers tell us, from that kind of stone, which the ancients called *amianthus*, which being duly beaten and prepared, is proper to be spun, and is said to be incombustible. As most of the Arabian princes have no other means to subsist but by their robberies, they keep spies, who give them notice when the *caravans* set out, which they sometimes attack with superior force, assaulting chiefly the center, in order to separate the company, and carry off, if possible, the van-guard, wherein they pretty often meet with good success. When they are repulsed, they generally come to some agreement, the conditions of which are pretty well performed, especially if the assailants prove to be natives of Arabia; but in case the *caravan* be beat, it is absolutely plundered of all its treasure, and the whole convoy made slaves; but they shew a little more mercy to foreigners. Sometimes the taking of one *caravan* only is enough to enrich those princes. As the plague rages very often in the East, they are obliged to use great precautions, to prevent the *caravans* from carrying that dreadful distemper into the places through which they pass, or from being themselves infected with it. When therefore they arrive near a town, the inhabitants and people of the *caravan* have a solemn conference concerning the state of their health, and very sincerely communicate to each other the state of the case, if there be really any danger to fear on either side. When there is just reason to suspect any contagious distemper, they amicably agree that no communication whatever shall be suffered between them; and, if the *caravan* stands in need of provisions, they are conveyed to them with the utmost precaution over the walls of the town.

The profits made by the commerce of these *caravans*, whilst upon the march, are very extraordinary; and this

is what engages a great number of persons to join with the *caravans*, and render the toil and inconveniencies of the journey less insupportable; and indeed those fatigues are not small. These travelling merchants must resolve to accept every where such provisions and other conveniencies as they find, and not permit delicacy and ease to get the better of their desire of honest gain by such traffic. A trader must, like an heroic general, not mind the frightful confusion of languages and nations, the fatigues of long marches, and the exorbitant duties and imposts paid at certain places: neither must he regard the audacious robberies and subtle tricks, to which he cannot help being exposed among that multitude of vagabonds, who frequent the *caravans*, with no other view but to live at the expence of the weak and incautious. These last inconveniencies indeed may be prevented, at least with regard to the most precious merchandizes, by putting them into the strong and curious trunk of the *caravan*, which, like many in Europe, have variety of curious locks, that cannot be opened but by those who know the knack of them.

A great many *caravans*, some more, some less numerous, set out for *Erzerum*, the capital of that part of Armenia, which is under the dominion of the grand seignior. Some of them consist of Armenians only, as those which carry silks to Tocat, and to Constantinople: they commonly set out in September.

The *caravans* of Siberia, at present, enter into the territories of China, by Selinginskoy, situated in the fifty-second degree of north latitude, on the eastern bank of the river Selenga, by virtue of a late treaty of commerce between Russia and the emperor of China; whereas formerly they used to pass through Merzinskoy and Argun.

There are *sea-caravans* from Constantinople for Alexandria.

The *caravan* of Nubia goes twice a year into Egypt. It passes through Gary, a place on the left bank of the Nile, three or four days journey on this side of Dongola. There the merchants of Sannar, the capital of Fungi, those of Gondar, the capital of Ethiopia, and many others from divers parts of Africa, meet at a certain time, when they know the *caravan* is to arrive. Then, setting out from Gary, the *caravan* leaves the banks of the Nile, and crossing the deserts of Lybia, arrives, after a march of thirteen days, into a valley, which is thirty leagues long. This valley, which extends almost from north to south, is planted with palm-trees, and very well cultivated, because good water may be found by digging only one foot deep in the ground.

After some days rest in this agreeable place, the *caravan* marches a whole day between steep mountains, in an even but narrow road; after which, it arrives in a narrow pass, through which it crosses that chain of mountains running along the Nile on the side of Lybia, and comes at last to Manselout, a town in Upper Egypt, where the duties to the prince are paid in black slaves, and where the *caravan* meets the Nile again, for the first time from its setting out from Gary.

The first danger in so difficult a march is, that the *caravan* being to cross immense plains of sand, where it is impossible to observe or discover the least track of a road, if the guides should happen to lose their way in those unknown countries, the provision of water necessary to conduct them directly to the place where they are to find more, must infallibly fail them by such a delay, which is frequently of several days journey. In such case, the mules and horses die with fatigue and thirst in those burning deserts; and even the camels, notwithstanding their extraordinary power to subsist without water, soon meet with the same fate; and the people of the *caravan*, wandering in those frightful deserts, generally perish also.

The danger is still infinitely greater, when a south wind happens to rise in those sandy places. The least damage it occasions, is to dry up the leathern bags wherein is kept the provision of water for the journey. This wind, which the Arabs stile poisoned, often stifles in a moment those who have the misfortune to be then travelling: to prevent which, they are obliged to throw themselves immediately on the ground, putting their faces close to the burning sand, which surrounds them on all sides, and covering their heads with some linen for that purpose, lest by breathing they should swallow infallible death, which this wind dis-

feminates every where within its power of circulation. Notwithstanding those dangers, trade, and the desire of gain, induce a multitude of people to run those hazards.

There arrives likewise at Cairo, every year, a numerous *caravan* from Tripoli, to which the merchants of Algiers, Tunis, and Morocco join themselves, as well as those who would go in pilgrimage to Mecca, though devotion is not the only motive of their journey. This *caravan* is much less numerous on its return, because the greatest part of those merchants who went by land, with only money, or very fine merchandizes for sale, having employed their effects at Mecca in buying Indian commodities, which are bulky, embark at Alexandria, and return by sea to Algiers.

Every year also several *caravans* come into Egypt from Syria, but the time of their arrival and setting out is not fixed. The journey of those *caravans* is not so difficult nor dangerous as of some others, because the deserts which separate these two countries are crossed in three days, and there is no scarcity of water. They meet even on the road with several *caravanferas*, in which the travellers and their cattle are furnished gratis with all necessaries; so that these *caravans* enjoy all possible conveniencies, especially the rich people among them, who, nevertheless, live very soberly during their journey.

The *caravanferas*, just mentioned, are places appointed for receiving and loading the *caravans*. They are commonly large square buildings, in the middle of which there is a very spacious court. Under the arches or piazzas, that surround them, there runs a bank, or elevation, raised some feet above the ground, where the merchants, and those who travel with them in any capacity, take up their lodgings as well as they can, the beasts of burden being tied to the foot of the bank: over the gates that lead into the court, there are sometimes little rooms, which the *caravanferaskiers*, or stewards or keepers of the *caravanferas*, let out at a very high price, to such as have a mind to be in private.

The *caravanferas* in the East are something in the nature of our capital inns in Europe, with this difference, however, that in the *caravanferas* little accommodations or provisions are met with either for man or beast, all persons being obliged to carry almost every thing with them.

Most of these buildings are owing to the charity of the Mahometans; and the greatest lords, either out of devotion or vanity, spend prodigious sums in founding them, especially if they happen to be in a dry, sandy, and desert place, whither the water is to be conveyed from a great distance, at a vast expence; for there is never a *caravanfera* without a well or spring of water.

There are few large towns in the East, especially in the dominions of the grand seignior, the king of Persia, and the grand mogul, but have some of those buildings. The *caravanferas* of Constantinople, Ispahan, and Agra, the capitals of the empires of Turkey, Persia, and Mogul, are the most famous, with regard both to their number and magnificence. In these the foreign merchants have most of their warehouses; for in these three cities there are several *caravanferas*, which, besides the common construction, have several safe and convenient apartments, both for the merchants and the merchandizes.

The emperor Mahomet IV. caused such *caravanferas* to be built at some distance from one another between Constantinople and Damascus, and appointed considerable revenues for their maintenance. There all travellers, whether Christians, Jews, or Mahometans, are equally well received.

There are also at Cairo in Egypt very fine *caravanferas*, which are always full of merchandizes and people; and, as they afford no inconsiderable revenue, this is a sufficient motive for the great lords of the country to build them. The Nubians, Abyssinians, and other nations of Africa, who resort to Cairo, have there each a particular *caravanfera*, where they always lodge. The same must be observed of the merchants of Aleppo, Damascus, Constantinople, and other trading towns. These *caravanferas* are esteemed sacred dwellings, where it is not permitted to insult any person, or to pillage any of the effects which are deposited there. They even carry their precautions so far, as not to suffer any man who is not married to lodge there;

there; because they are of opinion, that a man who has no wife is more dangerous than another. It is to the interest of the proprietors of this sort of *caravanferas*, that travellers are indebted for the good order and security they meet with.

The *caravanferas* of Schiras and Casbin, two considerable towns in Persia, have also a very great reputation, and are little inferior to those of the capital. Besides the *caravanferas*, which in the East serve instead of great inns, and furnish accommodations for the merchants, there are some also at Isfahan, which may be stiled bazars, or arched halls, where there are shops and warehouses, wherein several sorts of merchandizes and delicate pieces of workmanship are exposed to sale in the day-time, and locked up at night; and for which the keeper of the *caravanfera* answers, in consideration of a certain fee or perquisite. He also keeps an account of all the merchandizes that are sold upon trust; for he is obliged to book them regularly in his register, with the names of the buyers and sellers. He is also to demand the payment of the sums due to the merchants, for what have been sold in the *caravanfera*, on the seller's paying two *per cent*.

CARAWAY-SEED, in pharmacy, is a small seed, of an oblong and slender figure, pointed at both ends, and thickest in the middle. It is rounded or gibbous on one side, and flattened on the other, and is deeply striated on the surface: it is considerably heavy; its colour is a deep brown; its surface perfectly free from hairiness, and somewhat bright or glossy. It is of a very penetrating smell, not disagreeable, and of a hot, acrid, and bitterish taste.

Caraway-seed is to be chosen large, new, and of a good colour, not dusty, and of a strong agreeable smell.

The seed is stomachic, diuretic, and carminative: it is one of the four greater hot seeds of the shops. The seed is given in substance from five to twenty-five grains; the oil from one to six or eight drops upon powdered sugar. The root of the plant, where it is to be had fresh, is esteemed in many cases preferable to the seed. It is a common ingredient in diuretic apozems among the Germans. A decoction of the seeds, applied by way of fomentation externally to the belly, is often found to give relief in the cholick; the essential oil mixed with that of wormwood, and with oil of almonds, is sometimes used also by way of liniment on the same occasion, and with great success.

CARBEQUI, or *asper of copper*, a coin which is current in the province of Georgia in Asia, particularly at Teflis, the capital of it; forty *carbequis* make an *abagi*, and ten *carbequis* a *chafari*. See **ABAGI**.

CARBUNCLE, among the modern lapidaries, imports a precious stone of the ruby kind, of a very rich glowing blood-red colour.

CARD is an instrument or comb, composed of a great number of small pieces, or points of iron wire, a little incurved like hooks towards the middle, and fastened very closely together on leather, being nailed by the edges on a flat piece of wood, which is an oblong square, about a foot long, and near half a foot broad, with a handle placed in the middle, on the edge of the longest side: there are always two *cards*, between which are put the materials that are to be worked.

These *cards* are of very great use in the manufactories, where they serve to comb, disentangle, and range the wool and such other materials, in order to put them in a condition to be spun, by the manufacturers of cloths, stuffs, stockings, hair, &c. or to be used unspun in several other works, in much the same manner as the wool and the hair, which the hatters employ in the manufacturing of hats.

Cards for wool, in England, may not be imported, nor the wire taken out of old *cards* be put into new leather and boards, in order for sale, upon forfeiture thereof, or of the value, if not seized.

But may be amended for the proprietor's own use, or for transportation. 3 *Edw. IV.* 1 *Rich. III.* 39 *Eliz.* 3 *Car. I.* 14 *Car. II.* 2 *Will. and Mar.*

Corders, spinners, weavers, fullers, sheermen, and dyers, not performing duty in their occupations, shall yield, to the party grieved, double damages, to be committed till payment. One justice to hear and determine complaints.

Corders, combers, sorters, spinners, or weavers conveying away, imbezelling, detaining any wool or yarn, deli-

vered by the clothier, or any other person, shall give the party grieved such satisfaction, as two justices, mayor, &c. shall think fit; if not able, nor willing to make satisfaction, for the first offence to be whipped, or set in the stocks in some market-town, or in any town where the offence is committed; on the second offence to incur the like, or such further punishment by whipping, &c. as justices shall think proper. Conviction by one witness on oath, or confession.

CARDAMOMUM *majus & minus*, the greater and lesser *cardamoms*, are brought to us from Java, but are rarely to be found in our shops. Some substitute in their room grains of paradise; others the true animum. This sort of *cardamom-seed* is angular, of a dark brown colour, an aromatic smell, and a hot biting taste, contained in oblong triangular pods, about an inch in length.

Lesser cardamoms are small, brown, angular seeds, of an aromatic taste and smell, contained in short triangular pods, of a pale colour.

All the kinds of *cardamoms* abound in an essential oil: bruised and macerated in water, and afterwards distilled, they yield a very considerable quantity of it.

The people of the East use them in sauces; with us they are much esteemed in medicine; but the smaller kind is the most so. This is to be chosen sound, close shut on all parts, and full of seeds of a good smell, and of an acrid aromatic taste.

We have all the kinds of *cardamoms* from the East-Indies.

The *lesser cardamoms* assist digestion, and strengthen the head and stomach; they are also diuretic and carminative, and promote the menses. They are seldom prescribed alone, unless for chewing, at the person's discretion. They are a very common ingredient in stomachic and carminative compositions in extemporaneous prescriptions.

CARD MAKER, one who makes cards for carding wool, &c.

CARD-MAKER and SELLER. He who makes *playing-cards*. The making of *playing-cards* is a very easy business, and requires neither judgment, strength, nor ingenuity. It consists of pasting several sheets of paper upon each other; and then printing off this *card-paper* from wooden-blocks: after which, the *court-cards* are coloured, the paper glazed, and the cards cut out. They take from ten to fifteen pounds with an apprentice; and about one hundred pounds will enable one to set up master.

CARDIGANSHIRE, besides its products of corn and cattle, has good mines of lead, some copper, and a little silver, though no manufactures of any sort.

CARDINAL POINTS, in cosmography, are the north, south, east, and west points of the horizon, or the points where the meridian and prime vertical cut that circle.

Cardinal winds are those which blow from the cardinal points.

CARDING, a method of preparing wool, cotton, hair, &c. by passing it between the iron points, or teeth of two instruments, called *cards*, in order to disentangle and range the fibres, or hairs thereof, and dispose it for spinning, weaving, &c. See **CARD**.

CARDS to play with, are so well known that they need no definition to give a clearer idea of them.

Cards and dice, importation of them prohibited. 3 *Edw. IV.* cap. 4. enforced by 10 *Ann. c.* 19. f. 167. Every pack of *cards* to pay six-pence, and every pair of dice five shillings. 9 *Ann. c.* 23. f. 39. Penalty for not giving notice of the places where *cards* and dice are made, or removing *cards* or dice before they are marked, except in order for exportation. 9 *Ann. c.* 23. f. 4. 10 *Ann. c.* 19. f. 166, 170. Limitation of the time of prosecution upon bonds for exporting *cards* and dice. 5 *Geo. I. c.* 19. f. 48. Penalty on defacing the stamp of *cards*, or new-spotting dice. 6 *Geo. I. c.* 21. f. 55. An additional duty of six-pence on every pack of *cards*, and five shillings on every pair of dice. 29 *Geo. II. c.* 13. See **STAMPS**.

CARDUUS BENEDICTUS, or the *holy thistle*, in botany, a plant formerly much used in medicine, having been recommended as an alexiterial, sudorific, and cordial. At present, however, those great virtues are much suspected, and the greatest use made of it, is by way of infusion for the working off an emetic.

CAREENING, a term used by ship-wrights, &c. to signify the heeling, or laying a ship on one side to caulk and refit the other.

CARGADORS, a name which the Dutch have borrowed from the Portuguese, and which they use to signify a kind of brokers, whose only business is to find freight for ships outward-bound, and to give notice to the merchants who have commodities to send by sea, of the ships that are ready to sail, and of the places for which they are bound.

If the *cargador*, to whom the master of the ship, addresses himself, meets with a full cargo for it, he agrees for the price with the merchant who wants it; if, on the contrary, he finds only several parcels, or bales, of merchandizes, not sufficient for a whole cargo, he disperses bills upon the exchange, and causes several of them to be posted up, according to the following model, which, for instance, is supposed to relate to the cargo of a ship bound for Königsberg.

For KÖNIGSBERG.

“ The ship lies before the Oude Stad’s Herberg, or the old city-inn.

“ Captain Teunis (Anthony) Alopse, of Vieland, shall sail (by God’s leave) with his pink, an exceeding good sailer, called the Shepherd, mounted with six guns, and other warlike ammunitions in proportion: if any be willing to give him any merchandizes, or other effects, he will receive and deliver them faithfully.

“ Apply to Teunis Blok, broker, and to Peter Fleymys.

“ Nothing shall be loaden before notice is given to the *cargadors*, nor before the freight is agreed upon; and the bills of lading are to be sent with the merchandizes.”

When the merchant has agreed about the freight of his merchandizes with the two *cargadors*, or with one of them, he procures a permit for exportation from the custom-house, and sends them on board by his own waterman, who brings him back a receipt from the mate to whom he has delivered them. In this receipt the mate declares that he has received, on board of such a ship, so many bales, so many tons, or so many pieces of merchandize, with such a mark; after which the merchant writes three or four bills of lading, of the same tenor, which he gives to the *cargador*, together with the mate’s receipt: the *cargador* causes the bills of lading to be signed by the master of the ship, who keeps one for himself, and returns the other to be delivered to the merchant.

When any merchandizes are to be landed, which are sent by sea to Amsterdam, the *cargadors* commonly give notice to the merchants of the arrival of the ships; and then the merchant to whom any merchandizes are directed, causes them to be declared by the *convoy-looper* (that is to say, by the custom-house officer whom he is used to employ) who brings him the permit for landing, which he need only give to his waterman, or to his cooper, who go and take out the merchandizes, and carry them to such a place as the merchant has appointed.

When there is on board a ship any commodity which no body claims, or when the person to whom it is directed is unknown to the *cargadors*, one of the servants belonging to the exchange is ordered to give notice by public cry, for several days following, upon the exchange, that there are such merchandizes, with such mark and number, &c. on board such a ship, coming from such a place, laden by such a one, and directed to such a person, and that he who has got the order, or bill of lading, must come and demand them; that otherwise they will be lodged in a warehouse at the owner’s expence.

It must be observed, that, when a merchant receives by any ship such merchandizes as are subject to leakage, if there be any casks empty, or near it, so that they be not worth the freight that should be paid for them, he is not obliged to take them, but may leave them for such a part of the freight, which he deducts from that which he is to pay for the whole number of casks directed to him.

But if they be dry merchandizes, which were well-conditioned, when laden, but were injured or spoiled by some accident which happened during the voyage, the merchant to whom they are consigned must not fail, when they are unloading, to enter a protest, or make a verbal

process of the condition in which he received them, to the end that they may be reckoned among the large averages, which he could not obtain, if he omitted the formality.

Lastly, with regard to such merchandizes as are liable to putrify, or spoil of themselves, without any external accident, such as raisins, figs, chestnuts, &c. the freight must be paid for them as if they were in a good condition.

CARGO, signifies commonly all the merchandizes and effects which are laden on board a ship, exclusive of the soldiers, crew, rigging, ammunition, provisions, guns, &c. though all these things load it sometimes more than the merchandizes.

We say, that a ship has its cargo, when it is laden as full of merchandizes as it can hold; that it has half its cargo, when it is half full; that it brings home a rich cargo, when it is laden with precious merchandizes, and in great quantity; that a merchant has made the whole cargo of a ship, or only one half, or one quarter of the cargo, when he has laden the whole ship at his own expence, or only one half, or one fourth of it.

CARLINA. This root, which is brought from the Alps and the Pyrenean mountains, is from four to eight inches long, and about an inch thick. Its surface is reddish, and as it were corroded and perforated with little holes. It is white on the inside, of an acrid, bitter, aromatic, but not ungrateful taste, with a fragrant smell. This root is said to be poisonous to some animals, but not to man: some have looked on it as a great alexipharmic. Frederick Hoffman observes, that boiled in broth, it has frequently proved emetic. The present practice has rejected its use, and it is rarely to be found in the shops.

CARLINGS, in a ship, are timbers lying fore and aft from one beam to another under the planks of the deck.

CARLINO, a small silver coin, which is current in the kingdom of Naples, and in Sicily. The *carlino* is worth about three-pence three farthings.

CARMELINE WOOL is the second sort of wool produced by the animal which the Spaniards call *vicunna*.

CARMENIA WOOL, to what duties liable. 4 Will. and Mar. c. 5. s. 2.

CARMAN. The boy designed to be a *carman* ought to be strong and healthy, on account of his being obliged to lift and carry heavy weights, and be exposed to the inclemencies of the weather. The principal of them in the city are employed in carrying goods from the wharfs to the merchants warehouses, &c. There are also many hundreds employed by the timber-merchants, dealers in coals, &c. Those, who take apprentices, have about five pounds with an able lad of eighteen, who, when a journeyman, will have twelve shillings a week, and some perquisites. The expence of setting up master of a cart, including two horses, and the purchase of a number, will require one hundred pounds. But we would not advise those parents, who are so wise as to consult the morals of their children, to think of putting them to this business; though some of the masters, who have several numbers, save money. See **CART**.

CARMINE, a powder of a very beautiful red colour, bordering on the purple, used by painters in miniature.

It is extracted from cochineal by means of water, wherein *chouan* and *autour* have been infused.

Chouan is a French name for a small seed of a yellowish-green colour, resembling worm-feed, but a little bigger and lighter. It is brought from the Levant, and grows on a low plant, whose flowers are clustered on the top. *Autour* is a sort of bark brought from the Levant, resembling cinnamon in shape and colour, only a little thicker and paler. It is almost insipid, and has no smell.

The cochineal used in this operation is a wild sort found on the fig-trees of India; but this cochineal, which is thus spontaneously produced, is much inferior to the other in medicinal virtues.

CARNARVONSHIRE has plenty of cattle and corn, though no other commodities, nor any manufactures for trade.

CARNELIAN, or less properly **CORNELIAN**, *Sarda*, in natural history, a precious stone of which there are three kinds, distinguished by three colours, a red, a yellow, and a white. Authors who have attributed medicinal qualities to this stone, meant the *red carnelian*; this therefore is to be understood to be the *sarda* or *carnelian* of the shops.

shops. It is very well known among us. It is found in roundish or oval masses, much like our common pebbles, and is generally met with between an inch and two or three inches in diameter; it is of a fine compact and close texture, of a glassy surface, and in the several specimens is of all the degrees of red, from the palest flesh-colour, to the deepest blood-red. It is generally free from spots, clouds, or variegations, but sometimes it is veined very beautifully with an extremely pale red, or with white, the veins forming concentric circles, or other less regular figures, about a nucleus in the manner of those of the agates. These white or pale red veins are the most frequent in the red *carnelian*; but sometimes we meet with dark or blackish ones disposed in the same manner. The pieces of *carnelian* which are all of one colour, and perfectly free from veins, are those which our jewellers generally make use of for seals, though the variegated ones are much more beautiful; it is tolerably hard, and capable of a very good polish. It is not at all affected by acid menstruums. The fire divests it of a part of its colour, and leaves it of a paler red; and a strong and long continued heat will reduce it to a pale dirty grey.

The finest *carnelians* are those of the East-Indies; but there are very beautiful ones found in the rivers of Silesia and Bohemia, and we have some not despicable ones in England.

Though the ancients have recommended the *carnelian* in medicine, as an astringent, and attributed a number of fanciful virtues to it, we know no other use of the stone than the cutting seals on it; to which purpose it is excellently adapted, as not too hard for cutting at a moderate price, and yet hard enough not to be liable to accidents, to take a good polish, and to separate easily from the wax.

CAROBES, a sort of beans, which grow plentifully in the Island of Cyprus: most of the inhabitants live upon them; and, notwithstanding the great consumption they make of them, this pulse, or, as some call them, this fruit, makes still a great part of the trade of that island, whence they send yearly great quantities of it, in small vessels, to all the islands of the Archipelago.

CAROLINA. This part of the globe has been possessed alternately by Spaniards and French, and though one of the finest spots in the world, had by both been deserted for near a hundred years, when his majesty, king Charles II. granted it, the 24th of March, 1663, to Edward earl of Clarendon, (then lord high chancellor) George duke of Albemarle, William lord Craven, John lord Berkeley, Anthony lord Ashley, Sir George Carteret, Sir William Berkeley, and Sir John Collington, with all royal fisheries, mines, power of life and limb, and every thing necessary to an absolute property, within the limits of the patent, and with the acknowledgment of twenty marks yearly; and this grant was seconded by another about two years after, that made some alteration in the boundaries, and included both the Carolinas, and the new province of Georgia. But this establishment not meeting with a success answerable to the proprietors expectations, they, after struggling with many difficulties for the space of near sixty years, resigned seven-eighths of their grant to the crown, in consideration of seventeen thousand five hundred pounds paid them for it, and the surrender was confirmed by act of parliament in 1728; the other one-eighth being therein referred to the right honourable John lord Carteret, the late earl of Granville.

This country is very pleasant and fertile, as the riches acquired by the inhabitants in a few years plainly prove; and the trade of it is now so considerable, that from March 1730, to the same time 1731, there sailed from Charles-town (mostly for England) two hundred and seven ships, with 41957 barrels of rice (about five hundred pounds weight each); 10750 barrels of pitch; 2063 of tar; and 759 of turpentine; of deer-skins 300 casks, containing eight or nine hundred each; besides a vast quantity of Indian corn, peas, beans, &c. beef, pork, and other salted flesh; beams, plank, and other timber for building, most part of cedar, cypress, sassafras, oak, walnut, and pine. The Carolina trade is since greatly increased by the produce of indigo in that colony; from the year 1755 to 1759 amounting to two hundred thousand pounds weight *per annum*, which, at four shillings per

pound, is 40,000 l. a vast increase since the first attempts for planting it.

Their trade with the Indians is very considerable, by which they procure the skins above-mentioned; and in exchange for them give lead, powder, coarse cloth, vermilion, iron, strong-waters, and some other goods, reaping from this traffic a very considerable profit. Of negroes it is supposed there are near fifty thousand in the province; though artificers are very scarce, and their demands for labour very extravagant; which principally proceeds from the misrepresentations of the country here at home; otherwise it is to be imagined, a fine climate and great wages would be sufficient to attract a sufficient number of mechanics to supply every want there could possibly be of them.

CARPENTER. The boy designed for this business should have a strong robust body and healthy constitution, a solid judgment, and, besides the ordinary education of reading, writing, and arithmetick, ought to be well skilled in geometry, particularly in the mensuration of solids and superficies, and the manner of supporting spacious roofs, without the assistance of pillars or columns. He should also have some knowledge of the mechanical powers, in order to lift heavy weights: but this last may be learned while he is an apprentice. He is employed in all the strong wooden work of buildings, from the foundation to the top. Where the foundation is soft, the *carpenter* drives piles, in order to support the edifice; he places bearers where the chief weight of the building lies; he lays the joists, girders, and rafters in flooring; and when the outward case is built, raises the roof, and prepares it for the tiler. The *carpenter* ought to be able to act not only by the mechanical rules of his art, but to strike out of the common road, where the case requires it, as it frequently does in propping of old decayed buildings. His chief study is strength; and to dispose his work in such a manner, that a building may not be weighed down with what is designed for its support.

Besides these qualifications, a *carpenter*, who is a master-builder, ought to be a good draftsman, and be able to draw plans, and to survey and estimate the expence of buildings; and also have a good sum of money to enable him to buy materials and give credit. Without these qualifications, the youth must be contented with the prospect of being a jobbing master; which does not require a great deal besides tools. *Carpenters* take with an apprentice from ten to twenty pounds. Journeymen have commonly fifteen shillings a week; and it will require from fifty to five hundred pounds to set up a master.

CARPENTRY is one of the arts subservient to architecture, and is divided into two branches, viz. *house-carpentry* and *ship-carpentry*; the former is employed in constructing houses, and the latter ships. As houses were at first built only with wood, this art must be more ancient than masonry. Fr. Pyrard observes, that the art of *carpentry* is in its greatest perfection in the Maldiv Islands; their works being so artfully managed, that they will hold tight and firm without either nails or pins; nor can any body take them asunder, but those acquainted with the mystery. *Dict. Travoux.*

CARPET-MAKING. There are a species of *carpets* made of list of various colours; and mostly used by the sides of beds. These are sold at the turners shops; and made by people who do nothing else. This work, which is but a late invention, is mostly performed by women, who earn from five to eight shillings a week.

CARPET-WEAVER. The weaving of *carpets* is chiefly performed at Wilton; and is an ingenious and profitable branch. These *carpets* are sold in London at the *carpet-warehouses*, and by the upholsters. The journeymen employed in weaving them, earn from fifteen shillings to a guinea a week. A manufacture of most beautiful *carpets* has also been set on foot at Chelsea; and the *carpets* and tapestry made there, are said to exceed in beauty the finest of those brought from Turkey. The youth designed for this business ought to understand drawing, and be well acquainted with painting, and the disposition of lights and shades.

CAROBALSAMUM, the fruit or berry of the tree which produceth the true balm of Gilead. See BALSAM.

CARRICK, or CARRACK, a ship of great burthen, so called of the Italian word *carico*, or *carco*, a burthen or charge; mentioned 2 *Rich. II. c. 4.*

CARRIERS. All persons carrying goods for hire, as a master and owners of ships, lightermen, stage-coachmen, &c. come under the denomination of *common carriers*, and are chargeable on the general custom of the realm for their faults and miscarriages. *Co. Litt. 89. 1 Roll. Abr. 2, 338.* And if a person, who is no *common carrier*, takes upon himself to carry my goods, though I promise him no reward, yet if my goods are lost or damaged by his default, I shall have an action against him.

But the master of a stage-coach, who only carries passengers for hire, shall not be liable for the goods of his passengers that are lost; and therefore, where A delivered a trunk to the driver or servant, who lost it out of his possession, it was held, that the master was not liable in an action upon the case on the custom of the realm; for though the servant received money for it; yet that was but a gratuity, and the master shall not be chargeable with the acts of his servant, otherwise than as he acts in execution of the authority given him. *See 2 Show. Rep. 128. 1 Salk. 282.*

If a man delivers goods to a *common carrier*, to carry them to a certain place, if he loses them, an action upon the case lies against him; for by the common custom of the realm, he ought to carry them safely. *1 Roll. Abr. 2. Hob. 17. Cro. Jac. 262.*

Also if a *common carrier*, who is offered his hire, and who has convenience, refuses to carry goods, he is liable to an action in the same manner as an inn-keeper, who refuses to entertain a guest, or a smith who refuses to shoe a horse. *2 Show. Rep. 327.*

If a man delivers goods to a common hoyman, who is a *common carrier* of goods, to carry them to a certain place, and pays him according to custom for the carriage of them, and after, for default of good keeping, they are lost; an action upon the case lies against him; for by the common custom of the realm, he ought to have kept and carried them safely. *Cro. Jac. 330. Hob. 17.*

If a man delivers goods to such common hoyman to carry to a place, and after delivers them (being of good value) to another to keep safely in the boat, and does not discharge the hoyman, and after they are lost through negligence, an action on the case lies against him. *1 Roll. Abr. 2. Hob. 17. Cro. Jac. 330.*

If A delivers goods at York to B (who is a *water-carrier* between Hull and London) though the agreement is to carry the goods from Hull to London, and no mention is made of the carriage to Hull, yet if the goods are lost, B shall answer for them; for upon his general receipt of them at York, he is liable. *1 Sid. 36. 2 Show. 129. See 1 Roll. Abr. 338.*

If a merchant lades goods aboard a ship, to be transported at a reasonable reward of freight to be paid to the owners, and in the night-time while the ship rides in the river Thames, notwithstanding a competent number of men are left aboard for the guard of the ship and goods, yet several persons, under the pretence of pressing seamen, seize on the men aboard, and take away the goods, an action will lie against the master; for, in effect, he is paid by the merchant, for the merchant pays the owners, and the owners pay the master; so that the money of the merchant is but handed over by them to the master; adjudged, and said, that though by the admiral-law, the master is not chargeable *pro damno fatali*, as in the case of pirates, storms, &c. where there is no negligence in him; yet because this ship was *infra corpus comitatus*, this case must not be measured by the rules of that law. *1 Vent. 190, 223.*

If A and several others take their passage in a ferry-boat, and being upon the water, a tempest arises, so that they are in danger of being drowned; upon which, to preserve their lives, several of the goods were cast over-board, among which a pack of goods of A's of great value is thrown over; A shall have no action against the bargemen. *2 Bulst. 280.*

It is clearly resolved, that if a *carrier* be robbed, he shall answer the value of the goods; for he hath his hire, which implies an undertaking for the safe custody and delivery of

them, which charges him at all events, and this political institution was introduced the better to secure people in their dealings, and to prevent *carriers*, who are often intrusted with things of the greatest value, from confederating with robbers, &c. *Co. Litt. 89. 4 Co. 84. Owen. 57. 8 Co. 84. 1 Roll. Abr. 2, 124. 2 Roll. Abr. 367.*

So if A delivers a box to a *carrier* to carry, and he asks what is in it, and A tells him a book and tobacco, and in truth there is one hundred pounds besides; yet if the *carrier* is robbed, he shall answer for the money; for A was not bound to tell him all the particulars in the box, and it was the business of the *carrier* to have made a special acceptance: ruled by Holt, at the *nisi prius* at Guildhall; but in regard of the intended cheat to the *carrier*, he told the jury, they might consider of it in damages; but yet the jury gave the plaintiff ninety-seven pounds damages, abating three pounds only for carriage; *quod durum videbatur circumstantibus. Allen 93.*

But if A being a *common carrier*, receives by his book-keeper, from the servant of B two bags of money sealed up, containing, as was told him, two hundred pounds, and the book-keeper gives a receipt for his master to this effect: Received of, &c. two bags of money sealed up, said to contain two hundred pounds, which I promise to deliver on such a day at Exeter, into ——. He pays ten shillings *per cent.* for carriage and risque; though the bags contained four hundred and fifty pounds, and the *carrier* is robbed, he shall be answerable only for two hundred pounds, for this is a particular undertaking; and as it is by reason of the reward that the *carrier* is liable, which when the plaintiff endeavours to defraud him of, it is but reasonable he should be barred of that remedy, which is only founded on the reward. *Carth. 485.*

It hath been holden, that a *carrier* imbezelling goods which he has received to carry to a certain place, is not guilty of felony, because there was not a felonious taking; but is liable only to a civil action. *1 Hawk. 89, 90.* But it has been resolved, that if a *carrier* open a pack, and take out part of the goods, with intent to steal it, he may be guilty of felony; in which case it may be said, not only that such possession of a part distinct from the whole, was gained by wrong, and not delivered by the owner; but also that it was obtained safely, fraudulently, and clandestinely, in hopes to prevent its being discovered at all, or fixed upon any one when discovered. *1 Hawk. 90.*

Stat. 3 Car. I. c. 1. No *carrier* with any horse or horses, nor waggon-man, car-man, or wain-man, with their respective carriages, shall by themselves, or any other, travel on the Lord's-day; on pain of twenty shillings on conviction in six months, before one justice, or the mayor, on view, confession, or oath of two witnesses, to be levied by the constable or church-wardens by distress, to the use of the poor; but the justice may reward the informer with any sum not exceeding a third part.

Stat. 3 Will. and Mar. c. 12. s. 24. The justices in Easter-sessions yearly, shall rate the prices of all land-carriage of goods to be brought into any place within their jurisdiction, by any common waggoner or *carrier*; and shall certify the rates so made to the waggons and other chief officers of the several market-towns within their jurisdiction, to be hung up in some public place to which all persons may resort: and no such common waggoner or *carrier* shall take for carriage above the rates so set, on pain of five pounds by distress, by warrant of two justices where such waggoner or *carrier* shall reside, to the use of the party grieved.

Stat. 21. Geo. II. c. 28. s. 3. If any common waggoner or *carrier* shall demand and take any greater price for bringing goods to London, or to any place within the bills of mortality, than is allowed and settled by the justices for the place from whence the same is brought for the carrying of goods from London to the said place, he shall forfeit five pounds to the party grieved, to be recovered as by the said act of 3 William and Mary, or by distress and sale of his goods, by warrant from two justices of Middlesex, Surrey, London, or Westminster; and the clerk of the peace for every county and place shall, immediately after Easter-sessions yearly, certify to the lord mayor of London, and to the respective clerks of the peace for Middlesex, Surrey, and Westminster, the rates made for the carriage

carriage of goods in their respective counties and places; which certificate, or any attested copy thereof, signed by the officer to whom the same shall be transmitted, shall be sufficient evidence of the prices so set.

Stat. 4. And every common waggoner and carrier shall have his Christian and surname and place of abode, in large or capital letters, placed upon some conspicuous part of his carriage, before he shall drive the same; on pain of twenty shillings to be levied and recovered as afore said.

Stat. 24 Geo. II. c. 8. f. 9. Commissioners for regulating the navigation of the river Thames to rate the price of water-carriage.

Stat. 30 Geo. II. c. 22. f. 3. Justices of the city of London to assess the rates of carrying goods between London and Westminster. *See CARTS.*

CARSCHY. *See BOUCHARIE.*

CARTS and carmen being absolutely necessary to the merchant's service, for the transportation of his goods in London, the city magistracy have from time to time made several good laws concerning them, in order to direct their employers how to act in their intercourses with them.

An Abstract of the rates, rules, and ordinances, made by the lord-mayor and justices of the peace for the city of London, at the quarter-session holden the 11th of July, 1757.

In pursuance of an act made the last session of parliament, to explain and amend an act, made in the eighteenth year of his late majesty's reign, to prevent misbehaviour of the drivers of carts in the streets of London and Westminster, and the limits of the weekly bills of mortality, and for other purposes therein mentioned;

1. No person shall use or drive any cart for hire in the city, without licence from the governors of Christ's Hospital; and shall pay the yearly rent of seventeen shillings and four-pence for every cart, twenty shillings on every change or alienation of the property of any such cart, and three shillings and four-pence for every licence granted by the said governors of Christ's Hospital. If any one shall offend in the premises, he shall forfeit for every offence forty shillings.

2. All carts, which shall be licensed by the governors of Christ's Hospital, shall ply for hire in the places appointed by the court of lord-mayor and aldermen, or by the sessions in London.

3. If the empty cart of any carman shall be set, or found standing, in any other place of the city, or liberties thereof, than those appointed for the standing thereof (unless whilst loading or unloading goods, into or from the same), or if the number of carts, in the places already or hereafter to be appointed, shall, at any time, be found to exceed the number allowed by the said court of lord-mayor and aldermen, or by the sessions in London, for the standing thereof, the owner of every cart offending, shall, for the first offence, forfeit five shillings, for the second ten shillings, and for the third and every other offence twenty shillings. And the beades and constables, or any of the inhabitants of this city, on seeing any carts standing in any places in the city, or liberties thereof, not appointed for their stands, or a greater number of carts at any stand than what are or shall be so allowed of in that behalf, may take any such cart, and the horses thereto belonging, or any or either of them, to the Green-yard, and shall there have the same impounded and kept, until the owner thereof shall have paid the penalty incurred, and the charges of impounding and detaining every such cart or horses.

4. No driver of any cart shall hereafter come into Thames-street, by St. Magnus's church, eastward, with his or their empty cart, before such time as he or they shall be hired to come into the same street, for lading or carrying goods; but that the lanes and passages hereafter mentioned, shall be used only for such empty carts to pass and take their way through into the said Thames-street, and no other; that is to say, the lane leading down to Tower-dock, Bear-lane, Harp-lane, Botolph-lane, Pudding-lane, St. Michael's-lane, Laurence-Poultny-lane, Bush-lane, Trinity-lane, and all the other lanes westward, except the lanes and passages herein after limited for loaded carts to pass through from the said Thames-street, under the penalty of five shillings for the first offence, and for the second and every other offence ten shillings.

5. All carts loaded, passing out of, or from Thames-street, shall from thence pass and go up these lanes and places following, or some of them, and no other; that is to say, the hill leading from Tower-dock to the east end of Tower-street, St. Dunstan's-hill, St. Mary's-hill, St. Martin's-lane, Dowgate-hill, Garlick, and Broad-street-hill; and that no empty cart, passing to the said Thames-street, (other than such as, having been unloaded in some of the lanes or places before-mentioned, shall have occasion to pass to the said street immediately after such unloading), shall go down the hills, lanes, or places last before-mentioned, but the same shall be kept for the passing of carts laden. And that as well the said empty carts shall and may pass into and from Thames-street through the several lanes and places hereafter mentioned; that is to say, Fish-street-hill, Whittington-lane-hill, and Wardrobe-hill, (except as is before limited): also that all carts laden may go into the said street down all places as shall be best and most easy for them, as hath been always accustomed, upon pain that every carman offending in any of the afore said particulars, shall forfeit and pay, for the first offence five, and for the second and every other ten, shillings.

RATES to be paid for the cartage of the goods following.

Every parcel of dry goods, such as indigo, argol, cheefe, and all other goods (not hazardous) of the like bulk and weight, whether in one or many casks, above 19 C. wt. not exceeding 25 C. wt. to be deemed a load.

Ditto, above 15, not exceeding 19 C. wt. a small load.

Ditto, not exceeding 15 C. wt. an half load.

Each of the parcels of GROCERY next hereafter mentioned, are to be deemed as follows:

For or as a full load. Two hogheads of sugar, light or heavy. Three tierces of ditto, not exceeding 25 C. wt. One butt and one caroteel, currants. Fifty baskets Malaga, or Denia raisins. Thirty frails or pieces of alexias. Twenty barrels, belvideras or leporas. Twenty barrels or eighty tapnets, figs. One butt and a small cask, Smyrnas. Five barrels of rice. Three bales of aniseed. Six barrels of almonds.

For or as a small load. One butt currants, or Smyrnas. One butt and one role, currants. Two quarter barrels, or fifty jars of raisins of the sun. Three puncheons of prunes.

One hoghead of sugar, or any parcel of grocery not exceeding 15 C. wt. to be deemed an half load.

Pot or pearl ashes weighing from 19 C. wt. to 25 C. wt. to be deemed a load.

One ditto, not less than 15 C. wt. a small load.

Two hogheads of tallow, a load.

Fish-oil, ten barrels to be a load.

From any of the keys below the Bridge to any part of Lower Thames-street, up Fish-street-hill to the Monument, up Pudding-lane, Botolph-lane, St. Mary's-hill, St. Dunstan's-hill, or any of the lanes leading from Thames-street, Pudding-lane, Botolph-lane, and that part of Upper Thames-street, from the Bridge-foot to St. Martin's-lane, St. Milcs's-lane, and Old Swan.

For every load, as above-mentioned, 2 s.

For every small or half load, 1 s. 6 d.

From any of the wharfs between the Tower and London-bridge, to Dyer's-hall, Cold-harbour, Steel-yard, Doublehood-warehousse, Laurence-Poultny-lane, Three-Cranes, Queen-hitbe, Queen-street-bill, College-hill, Dowgate-hill, that part of Fish-street-hill above the Monument, or any of the lanes as high as both East-cheaps, leading from Lower Thames-street, to Tower-street, Mark-lane, Lime-street, Billiter-lane, Leaden-hall-street, Duke's-place, St. Mary Axe, Bishopsgate-street within, Cornhill, Finch-lane, Lombard-street, Birch-lane, Abchurch-lane, Clement's-lane, Gracechurch-street, both East-cheaps, Philpot-lane, Rood-lane, and places of the like distance.

For a load, 2 s. 6 d.

For a small load, 2 s.

For an half load, 1 s. 6 d.

From

From the keys to Broad-street, Threadneedle-street, Lothbury, Bartholomew-lane, London-wall, Coleman-street, Basinghall-street, Old Jewry, St. Laurence-lane, Ironmonger-lane, Milk-street, Aldermanbury, Wood-street, Cheap-side, Poultry, St. Martin's-le-Grand, Newgate-street, Pater-noster-row, St. Paul's Church-yard, Doctors-Commons, Old-Change, Friday-street, Bread-street, Bow-lane, Watling-street, Basing-lane, Bread-street-hill, Trinity-lane, Old Fish-street, or any part of Thames-street from Queenhithe to Puddle-dock, or places of the like distance within the gates, and also to Bishopsgate without, not exceeding the London Work-house, Aldgate High-street within Whitechapel-bars, Houndditch, and the Minories.

For a load, 3s.

For a small load, 2s. 6d.

For an half load, 1s. 6d.

From the keys to all places between the gates and bars (the above-mentioned articles, otherwise ascertained before, excepted).

For a load, 3s. 6d.

For a small load, 2s. 10d.

For an half load, 2s. 6d.

For Yorkshire packs, to all places within the gates, *per* pack, 2s. 6d.

For ditto, to all places between the gates and bars, *per* pack, 3s.

For Spanish wool, to any place within the gates, *per* bag, 4d.

And from all other warehouses to Blackwell-hall, and all inns within the gates, *per* bag, 3d.

For ditto, to all places between the gates and bars, *per* bag, 5d.

N. B. To carry nine bags of Spanish wool in a load, and no more.

Several kinds of goods, next herein after mentioned, being either not weighable, hazardous, or cumbersome, are to be carried at the rates next herein after specified; viz.

East-India goods weighable, as tea, coffee, &c. to any of the company's warehouses in Fenchurch-street, the Exchange, &c. 2s. 2d. *per* ton, and 2d. *per* C. the over-weight.

All pieces of arrack, containing about 150 gallons, 2s. 2d. each, or a greater quantity in two or more smaller casks, 2s. 6d.

Hamburg, Amsterdam, Rotterdam, Scotch and Irish linens in chests, vats, bales, and packings of various weights and sizes, from 6d. to 3s. *per* chest, bale, &c.

Tobacco to the respective merchants warehouses, *per* hoghead, 1s.

And from all warehouses to the water-side, *per* hoghead, 8d.

Smyrna cotton *per* bag, sacks of goat's hair, wool, or of galls, or silk, nuts, or sponges, or coloquintida, or bales of cotton yarn, or chests of drugs, or pistachia, each 4d.

Cyprus cotton, *per* bag, 9d.

Turkey silk, *per* bale, 6d.

Bales of carpets, each 1s.

Fangots or sacks of mohair yarn, or fangots of silk, each 3d.

For cartage of wine, oil, brandy, rum, &c.

Two pipes, two butts, or four hogheads of wine; two pipes, two small butts, one great butt, four hogheads, or any quantity of oil, whether in one or more casks, above 200, not exceeding 300 gallons, to be accounted *a load*.

One pipe and one hoghead, or three hogheads of wine, three hogheads or any quantity of oil above 150, and not exceeding 200 gallons, to be esteemed *a small load*.

One pipe, one butt, or two hogheads of wine; one small butt, two hogheads, or any quantity of oil not exceeding 150 gallons, to be esteemed *an half load*.

From any of the keys below the bridge to any part of Lower Thames-street, or any part of Upper Thames-street as far as the Three Cranes, or to any of the lanes

or hills leading from or to the above places, to Tower-street, Mark-lane, Mincing-lane, Seething-lane, Crutched-friars, Poor Jewry-lane, Fenchurch-street, Lime-street, Billiter-lane, Leadenhall-street, Duke's-place, St. Mary Axe, Bishopsgate-street within, Cornhill, Finch-lane, Lombard-street, and any of the lanes leading from thence, Cannon-street, Walbrook, Budge-row, Gracechurch-street, both Eastcheaps, Philpot-lane, Rood-lane, and places of the like distance.

For a load, 2s. 6d.

For a small load, 2s.

For an half load, 1s. 6d.

From the keys to Broad-street, Threadneedle-street, Lothbury, Bartholomew-lane, Coleman-street, Old Jewry, St. Laurence-lane, Ironmonger-lane, Milk-street, Aldermanbury, Wood-street, Cheap-side, Bow-lane, Bucklersbury, Poultry, the back of the Exchange, Friday-street, Bread-street, Basing-lane, Bread-street-hill, Trinity-lane, Old Fish-street, any part of Thames-street westward of the Three Cranes, and places of the like distance.

For a load, 3s.

For a small load, 2s. 6d.

For an half load, 2s.

From the keys to London-wall, St. Martin's-le Grand, St. Paul's Church-yard, Doctors-Commons, Pater-noster-row, New-gate-street, Blowbladder-street, Bull-and-Mouth-street, Foster-lane, and places of the like distance within the gates; as also to Bishopsgate without, Aldgate High-street within Whitechapel-bars, Houndditch, and the Minories.

For a load, 3s.

For a small load, 2s.

For an half load, 2s.

From the keys to Ludgate-hill, Fleet-market, Old-Bailey, Snow-hill, Holbourn-bridge, Smithfield, Aldersgate-street, Barbican, Redcross-street, Fore-street, and places of the like distance.

For a load, 3s. 6d.

For a small load, 3s.

For an half load, 2s.

From the keys to Fleet-street, Temple-bar, Fetter-lane, Holbourn-hill, and places of the like distance.

For a load, 4s.

For a small load, 3s.

For an half load, 2s. 6d.

N. B. One piece and one puncheon of brandy, or two puncheons of rum, to be accounted *a load*.

One piece of brandy, or any quantity of rum above 150, or not exceeding 200 gallons, to be esteemed *a small load*.

One pipe or one puncheon of brandy, one puncheon or any quantity of rum not exceeding fifty gallons, to be esteemed *an half load*.

For cartage of goods from the wharfs, &c. westward of the bridge, the same parcels of goods to be accounted *a load*,—*a small load*,—*an half load*,—as from the keys below the Bridge.

From any of the wharfs between London-bridge and Puddle-dock to any part of Upper Thames-street, or any of the hills or lanes leading directly out of it.

For a load, 2s.

For a small load, 1s. 6d.

For an half load, 1s. 6d.

From any of the wharfs between London-bridge and Queenhithe, or any of the warehouses in or adjoining to that part of Upper Thames-street, to all places above excepted within the gates.

For a load, 2s. 6d.

For a small load, 2s.

For an half load, 1s. 6d.

To all places between the gates and bars.

For a load, 3s. 4d.
For a small load, 2s. 6d.
For an half load, 2s. 2d.

From any of the wharfs between Queenhithe and Puddledock, or any of the warehouses in or adjoining to that part of Thames-street, to Old Fish-street, Carter-lane, Doctors-Commons, Basing-lane, St. Paul's Church-yard, Newgate-street, Cornhill, and all places within the gates, westward of the streets leading from Bishopsgate to London-bridge up the hill.

For a load, 2s. 6d.
For a small load, 2s.
For an half load, 1s. 6d.

To Little Eastcheap, Tower-street, Fenchurch-street, Lower Tower-street, Crutched-friars, and all places within the gates, eastward of the streets leading from Bishopsgate to London-bridge, as also to Ludgate-hill, Old-Bailey, Fleet-market, Holbourn-bridge, Snow-hill, Smithfield, Aldersgate-street, Barbican, and all other places westward of Cripplegate within the bars.

For a load, 3s.
For a small load, 2s. 6d.
For an half load, 2s.

To Fore-street, Whitecross-street, Bishopsgate-street without, Houndsditch, and all other places eastward of Cripplegate within the bars.

For a load, 3s. 6d.
For a small load, 2s. 10d.
For an half load, 2s. 3d.

For the carriage of goods from London to the city of Westminster, the borough of Southwark, and the other out-parts and suburbs of London, and all places adjacent, from the keys.

Every parcel of dry goods, grocery, pot-ashes, and tallow, the load to be estimated as first mentioned.

Wine, olive-oil, brandy, rum, &c. as follows; viz.

Two pipes, two butts, or four hogheads of wine; one piece and one puncheon, two puncheons or pipes of brandy, two puncheons of rum; two pipes, two small butts, one great butt, four hogheads, or any quantity of oil, whether in one or more casks, above 200, not exceeding 300 gallons, to be accounted a *load*.

One pipe and one hoghead, or three hogheads of wine; one pipe or one puncheon of brandy; three hogheads, or any quantity of oil, rum, &c. above 150, not exceeding 200 gallons, to be esteemed a *small load*.

One pipe, one butt, or two hogheads of wine; one pipe or one puncheon of brandy; one puncheon of rum; one pipe, one small butt, two hogheads, or any quantity of oil not exceeding 150 gallons, a *half load*.

Fifth-oil, ten barrels to be (and not hazardous) a *load*.

From any of the keys below the bridge, or from Cannon-street, Lombard-street, Leadenhall-street, and places of the like distance, not exceeding Cornhill, Bishopsgate-street within, Walbrook, Budge-row, Queen-street-hill, and Queenhithe, to any part of the High-street in the borough of Southwark as far as St. George's church, to any of the wharfs in Tooley-street, not exceeding Symond's-wharf, and places adjacent of the like distance.

For every load of dry goods and grocery, as above-mentioned, 2s. 6d.
For a small load of ditto, 2s.
For an half load of ditto, 1s. 6d.

Wine, olive-oil, rum, &c. and to the above-mentioned places.

For a load, 3s.
For a small load, 2s. 6d.
For an half load, 2s.

From any of the above-mentioned keys and above-mentioned places to the Bank-side, Gravel-lane, Deadman's-place, Blackman-street, Kent-street, White-street, Long-lane, Bermondsey-street, St. Saviour's-dock, or Dock-head, Shad-Thames, Black's-fields, or any of the wharfs in Tooley-street below Symond's-wharf, and all places adjacent of the like distance.

For every load of dry goods and grocery, as above-mentioned, 3s.
For every small load of ditto, 2s. 6d.
For an half load of ditto, 2s.

Wine, oil, brandy, rum, &c. to the above-mentioned places.

For a load, 4s.
For a small load, 3s.
For an half load, 2s. 6d.

The Bridge and Bridge-yard toll to be paid by the merchants.

From any of the keys below the Bridge, any of the hills or lanes leading from Lower Thames-street, from Tower-street, Fenchurch-street, Leadenhall-street, Gracechurch-street, Bishopsgate-street within, and all places adjacent on the east side of the streets leading from Bishopsgate to the Bridge, to Chancery-lane, the Strand from Temple-bar as far as the New Church, the Butcher-row, and places adjacent of the like distance.

For every load of dry goods or grocery, 4s.
For a small load of ditto, 3s.
For an half load, 2s.

Wine, olive-oil, brandy, rum, &c. from and to the above places.

For a load, 4s. 6d.
For a small load, 3s. 6d.
For an half load, 3s.

To that part of the strand beyond the New Church, St. Martin's-lane, Long-acre, Drury-lane, Covent-garden, Seven-dials, Monmouth-street, Lincoln's-inn-fields, Clare-market, High Holbourn, St. Giles's, as far as the church, Gray's-inn-lane, Red-lion-street, Bloom-bury, and places adjacent of the like distance.

For a load of dry goods or grocery, 5s.
For a small load, 4s.
For an half load, 3s.

Wine, olive-oil, brandy, rum, &c. to the above places.

For a load, 5s. 6d.
For a small load, 4s. 6d.
For an half load, 4s.

To Charing-cross, Whitehall, any part of Westminster as far as Buckingham-gate, St. James's-street, Piccadilly to the end of Dover-street, Old Bond-street, Conduit-street, Newport-market, Soho, Oxford-road, to the end of Great Swallow-street, and places adjacent of the like distance.

For a load of dry goods, or grocery, 6s.
For a small load, 4s. 6d.
For an half load, 4s.

Wine, olive-oil, brandy, rum, &c. to the above places.

For a load, 7s.
For a small load, 5s. 6d.
For a half load, 4s. 6d.

To Grosvenor-square, May-fair, Berkley-square, Hanover-square, New Bond-street, Cavendish-square, and places of the like distance.

For every load of dry goods or grocery, 7s.
For a small load of ditto, 5s. 6d.
For an half load of ditto, 4s. 6d.

Wine, olive-oil, brandy, rum, &c. to the aforefaid places.

- For a load, 8s.
- For a small load, 6s. 6d.
- For an half load, 5s.

From the keys to Goodman's-fields, East-Smithfield, the Hermitage, Whitechapel without the bars, as far as George-yard, not exceeding Dirty-lane, and places adjacent of the like distance.

- For every load of dry goods or grocery, 3s.
- For a small load of ditto, 2s. 6d.
- For an half load of ditto, 2s.

Pot or pearl ashes, weight as before described.

- For a load, 3s. 6d.
- For a small load, 2s. 6d.
- For an half load, 2s.

Fifth-oil, for a load, 3s.

Wine, olive-oil, brandy, rum, &c. to the aforefaid places.

- For a load, 3s.
- For a small load, 2s. 6d.
- For an half load, 2s.

To Whitechapel, Church-lane, Field-gate, Nightingale-lane, Virginia-street, Wellclose-square, and places of the like distance.

- For every load of dry goods or grocery, 3s. 6d.
- For a small load of ditto, 2s. 10d.
- For an half load of ditto, 2s. 3d.

Wine, olive-oil, brandy, rum, &c. to the aforefaid places.

- For a load, 4s.
- For a small load, 3s.
- For an half load, 2s. 6d.

To Ratcliff-highway, Wapping, Old Gravel-lane, Cock-hill, Shadwell, and places adjacent of the like distance.

- For a load of dry goods or grocery, 4s.
- For a small load of ditto, 3s.
- For an half load of ditto, 2s. 6d.

Wine, olive-oil, brandy, rum, &c. to the above places.

- For a load, 5s.
- For a small load, 4s.
- For an half load, 3s. 6d.

To Ratcliff-crofs, Stepney-caufeway, Limehouse, Bell-wharf, Shadwell-dock, and all places adjacent of the like distance.

- For a load of dry goods or grocery, 5s.
- For a small load of ditto, 4s.
- For an half load of ditto, 3s. 6d.

Wine, brandy, rum, olive-oil, &c. to the above places.

- For a load, 6s.
- For a small load, 5s.
- For an half load, 4s.

From the keys to Spital-fields, Shoreditch, Moorfields, Windmill-hill, Chiswell-street, and places adjacent of the like distance.

- For a load of dry goods or grocery, 4s.
- For a small load of ditto, 3s.
- For an half load of ditto, 2s. 6d.

Wine, oil, brandy, rum, &c. to the above places.

- For a load, 4s. 6d.
- For a small load, 3s. 6d.
- For an half load, 2s. 6d.

To Old-street, that part of Whitecross-street out of the freedom of the city, Golden-lane, Goswell-street, St. John's-street beyond the bars, Clerkenwell, Leather-

lane, Saffron-hill, Hockley in the Hole, and all places adjacent of the like distance.

- For every load of dry goods or grocery, 4s.
- For a small load of ditto, 3s.
- For an half load of ditto, 2s. 6d.

Wine, olive-oil, brandy, rum, &c. to the afore-mentioned places.

- For a load, 4s. 6d.
- For a small load, 3s. 6d.
- For an half load, 2s. 6d.

And as to all other places and goods not before particularly mentioned, the same are to be carried and paid for in the manner following; that is to say,

All goods, wares, and merchandizes whatsoever, weighing 14 C. wt. or under, shall be deemed half a load; and from 14 C. wt. to 26 C. wt. shall be deemed a load, from any part of the city; and the rates for carrying thereof shall be as follows:

For any way not exceeding half a mile, for half a load, 1s. 6d. and not above a load, 2s. 6d.

For any way to the extension of a mile, for half a load, 2s. and not exceeding a load, 3s.

For any way to the extension of one mile and half, for half a load, 2s. 6d. and not exceeding a load, 3s. 6d.

For any way to the extension of two miles, for half a load, 3s. and not exceeding a load, 4s.

For any way within two miles and an half, for half a load, 3s. 6d. and not exceeding a load, 5s.

For any way within three miles, for half a load, 4s. and not exceeding a load, 5s.

For any way within three miles and an half, for half a load, 4s. 6d. and not exceeding a load, 5s. 6d.

For any way within four miles, for half a load, 5s. and not exceeding a load, 6s.

And so after the same rate to the extent of ground limited by act of parliament.

And for all merchandizes and commodities that cannot be divided, weighing above 26 C. wt. the carman shall, over and above the rates above-mentioned, receive and be paid after the rate of 2d. per C. wt. for every C. wt. exceeding 26 C. wt. and so in proportion for less than a C. wt.

6. If any dispute arise between the employer and the carman about the distance of ground that goods have been carried, or the weight of the goods, either party is to apply to the lord-mayor, or any justice of the peace of the city; and the ground shall be measured by some person to be appointed for that purpose by the lord-mayor, or any such justice to whom such application shall be made. And if a dispute arise concerning the weight of the goods carried, the same shall be weighed, if it can conveniently be done, and the party in default shall pay all such expenses as shall be ascertained to be reasonable by the magistrate before whom the parties shall have been heard.

7. Any person may chuse what cart he pleases to employ in his work (except such as stand for wharf-work, tackle-work, and crane-work, which are to stand in order, and to be taken in turn). And every carman who stands with his empty cart next to any goods that are to be laden, being first in turn, shall, on the first demand, load the same without any delay, or bargaining for any other pay than is hereby appointed. And if the first, or any other cart, shall refuse to work, or delay to load any goods, upon request made for that purpose, every person so refusing or delaying shall forfeit for every such offence the sum of ten shillings, and the driver of the next cart in order, who will carry the goods, shall be at liberty to take the same: and if any carman shall refuse to do so, he or they so refusing shall forfeit and pay, for every time he or they shall so offend, the sum of ten shillings. And if any employer shall refuse to employ the next cart in order at wharf-work, tackle-work, and crane-work, he shall forfeit and lose the sum of ten shillings.

8. All the wharfs between London-bridge and the Temple to be used in turn-keeping, as the custom is below Bridge.

9. The carman who is first in the morning at any of the said wharfs shall have the first load, he having his horse in the

the *cart*, and giving attendance for his labour; and if absent, then to take the other whose turn is next; and whosoever refuseth to load, shall forfeit and pay, for every time he shall so offend, ten shillings.

10. No carman shall come to any of the wharfs between the Bridge and Tower-wharf before four in the morning in summer, and seven in winter, unless a merchant has extraordinary occasion for his coming sooner, under the penalty of five shillings.

11. No owner or driver of any *cart* for hire, in London, &c. shall demand or take for his fare, for the carriage of any goods within the distance prescribed by the said act of parliament, more money than by the above rates are limited for the same, or as shall be appointed by any subsequent rules made in pursuance of the said act of parliament. And if any such owner or driver of any *cart* or *carr* shall misbehave himself therein, or shall refuse to come with his *carr* when called to be hired, or to take in loading into his *carr* or *cart*, or shall utter any abusive language, or offer any insult to his employer or employers, their servants or agents, he or they so offending in any of the cases aforesaid, shall forfeit, for every time he offends, twenty shillings.

12. The driver of every *cart* within the distance before-mentioned, shall assist in loading and unloading of goods, wares, and merchandizes, into and out of the same; and if he shall refuse so to do, his employers may retain out of his fare what any other person shall be reasonably paid for assisting in his stead to load or unload the same, and the sum of two shillings and six-pence besides, by way of penalty: and in case of any difference about the same, some justice of peace within the said limits shall ascertain the sum to be so paid.

13. Every owner of a *cart*, which shall be worked for hire within the distances before-mentioned, from the tenth day of August now next ensuing, shall have his name placed at full length, painted in large capital letters, not less than three inches long, and broad in proportion, on some conspicuous part of the front of his *cart* or *carr*; and shall, from time to time, take care to continue and keep the same there, so as always to appear plain and legible. And on the alteration of the property of any *cart*, the new owner is, in like manner, to cause his name to be forthwith put and kept thereon. And if any owner shall omit to have his name on his *cart*, in manner aforesaid, or any one shall drive for hire a *cart* in London, &c. without the real owner's name, in manner aforesaid, thereon; or if any one shall wilfully obliterate or alter the figure or number of any *cart*, or the name of any carman, which shall have been painted on his *cart* or *carr*, every person, on being convicted thereof before the lord-mayor, or any justice of the peace in London, shall, for every such offence, forfeit twenty shillings.

14. All *carts*, during the time of loading and unloading thereof within the streets of the city of London, and the liberties thereof, shall stand sideways the long way of the street, and not cross the same, and as close to the side of the street where they are loading and unloading as they can, so as passengers, and coaches, and other *carts* may pass by, if the street is of sufficient width to allow two carriages to pass together therein (except where the situation of the place, or the package of the goods, make it necessary to load or strike directly). And if any carman shall stand in any street with his *cart*, not being loading or unloading goods, every such carman shall draw away immediately at the request of any person, to let such person or any carriage pass by, if the street will allow thereof, under the penalty that every one offending in the premises shall, for every time he or they shall so offend therein, in any of the cases in this order mentioned, forfeit ten shillings.

15. No person under the age of sixteen years shall be employed to drive or manage horses in *carts*, under the penalty of twenty shillings, to be paid by the owners of every such *cart* or *carr*, every time any person under the age of sixteen shall be convicted, before any justice in London, of driving any horse in any *cart* in London.

16. Every *cart* shall be allowed to contain in length, between the tug-hole and the fore-ear breadth, six feet six inches, and no more; and the breadth, between the two raves in the body of the *cart*, four feet ten inches of assize, and no more; and in length, from the fore-car breadth to the end of the *cart*, seven feet one inch, and no more.

And if any *cart* shall at any time be worked in London of greater length or breadth, the same may be seized and sent to the Green-yard, and the owner thereof shall, for every such offence, forfeit twenty shillings.

17. If the driver of any *cart* shall leave his *cart* in the street or common passage of the city by night, he shall forfeit, for every time, five shillings; besides making such recompence to the party who shall sustain damage thereby, as any justice of the peace in London shall direct.

18. If the driver of any *cart* shall feed his horses in the street, save with oats out of a bag, or with such hay as he shall hold in his hand, or in a basket, or leave his *cart* or horses in the street, without some person to look after the same, the owner of every such *cart* shall, for every such offence, forfeit five shillings.

19. If any carman shall put into his *cart* more than two horses, for the carriage of any merchandize whatsoever (except up hill, or with timber, stone, or other commodities, where the load cannot be divided, or where the load is to be carried out of the city) he shall forfeit, for the first offence, ten shillings, for the second, twenty shillings, for the third and every other offence, thirty shillings, and the supernumerary horse shall be detained at the Green-yard, until the penalty and charges of detaining such supernumerary horse shall be paid.

20. No carman shall be allowed to carry in his *cart* at one time above 25 C. wt. of any wares that may be divided, or more than one butt, or one pipe, or three hog-heads, or two puncheons, of any liquor, other than as herein before-mentioned, upon the penalty of paying, for the first offence, five shillings, for the second, ten shillings, and for the third and every other offence, twenty shillings.

21. If the driver of any *cart* or *carr* shall suffer the horses in his *cart* to trot in the street, or shall drive them in a speedier course than his *cart* is usually drove when loaded, he shall forfeit, for every such offence, ten shillings.

22. If the driver of any *cart* for hire in London, or the liberties thereof, shall not, from time to time, lead his chill-horse by the head, with an halter not longer than five feet, he shall forfeit and pay, for every time he shall offend, five shillings.

23. The driver of every empty *cart* in London shall, from time to time, give way to a loaded carriage, and to a coach, &c. under the penalty of twenty shillings for every offence.

24. The driver of any *cart* who shall wilfully misbehave himself, or who shall designedly hinder or interrupt the free passage of any of his majesty's subjects; or their coaches or other carriages, in any of the public streets or passages in the city of London, or the liberties thereof, during the time he is not loading nor unloading his *cart*, shall, on being convicted thereof before any justice of the peace in London, forfeit and pay, for every time he shall so offend, the sum of twenty shillings.

25. If any one shall refuse to pay the owner or driver of the *cart* employed the money justly due for his fare, or shall in any-wise abuse the carman, or misbehave towards him, the lord-mayor, or any justice in London, on application of the carman to him, shall cause the parties to come before him, and examine, from time to time, into the matter complained of, and thereupon make such order for payment of the fare, and recompensing the carman for his loss of time, and for any injury he shall have sustained, and any expences he shall have been at, as shall be just; and the party found in fault shall thereupon forthwith pay the money ordered to be paid by such magistrate, under the penalty of five pounds.

26. If any one shall cause the driver of any *cart* to wait above half an hour for the loading of any goods into the same, or unloading of goods thereout (the carman being willing to help to load or unload the same), he or they so offending, shall pay for the same forthwith to the carman, after the rate of six-pence for every half hour, from the expiration of the first half hour which the *cart* shall be detained.

27. No carman shall be compellable to carry any load of goods above three miles from the city and liberties thereof, after two of the clock in the afternoon from Michaelmas to Lady-day, or after four from Lady-day to Michaelmas.

28. In case the owner of any *cart* worked in London for hire shall not deliver up, to be brought before a magistrate, any driver thereof, charged with any offence against any of the rules or orders aforesaid, within seven days after complaint made to any magistrate against any such driver, and notice thereof given or left at the usual place of abode of the owner of any such *cart*, then the owner of every such *cart* shall be liable to answer and pay the penalty incurred by any such driver; and if the driver shall be afterwards found, and shall not make satisfaction forthwith to his master for what he shall have paid for any such driver's misbehaviour, neglect, or default, every such driver shall forfeit five pounds for every such default.

29. The lord-mayor of the city, or any justice of the peace of the said city, before whom any offender shall be brought, and be convicted, may lessen, mitigate, or remit any of the said penalties, so as not to remit above one half of the penalty inflicted for the offence.

30. All penalties by these orders, or any of them, inflicted, shall be levied by distress and sale of the offender's goods, by warrant under the hand and seal of the justice of the peace. One moiety of all penalties and forfeitures is to be paid to the person who shall prosecute to conviction any person who shall break the said orders, and the other moiety to the overseers of the poor (if there shall be any) of the parish or place in which the offence shall be committed, or the offender shall have been apprehended.

And because it is necessary that merchants, and others that use *carrs* or *carts*, should know where they stand when empty, the following will acquaint them where, and in what number they are to be found.

From Brewer's-key, along Thames-street, to the first Customhouse gate, there are to stand	12 carts.
From the west gate of the Customhouse to Porter's-key	2
From Porter's-key to Little Bear-key	3
From Little Bear-key to Young's-key	4
From Young's-key to Ralph's-key	3
From Ralph's-key to Great Dice-key	2
From Great Dice-key to Smart's-key	2
From Little Somer's-key to Botolph-wharf	2
From Botolph wharf to Cock's-key	2
From Cock's-key to Fresh-wharf	2
From Fresh-wharf to St. Magnus Corner	6
At St. Dunstan's-hill	4
From New Fish-street to Steel-yard	16
From the Steel-yard to the Crooked-billet-wharf	20
From the Crooked-billet-wharf to the Black-swan	12
From the Black-swan to Brook's-wharf	12
From Brook's-wharf to Castle-alley	20
From Paul's-wharf to Puddle-dock	10
From Vere's-key, and all places thereabouts, that have passage up to Puddle-dock-hill	20
At Black-friars	6
Bridewell	10
Carter-lane	5
Salisbury-court	10
On the east side of Fleet-ditch	5
And on the west side thereof	5
At White-friars	5
At Bridewell-dock	5
A little upon Holbourn-hill westward	4
Eastward of Holbourn, between the Bridge and King'-Arms	2
West-Smithfield, and about the bars	5
Aldergate	6
Bread-street	6
Friday-street	6
Aldermanbury	2
Silver-street	2
Basinghall-street	2
Broad-street	4
Bishopsgate without	6
Bishopsgate within	8
St. Mary Axe, and up Camomile-street	6
Without Aldgate towards Whitechapel	10
Crutched-friars	10
Cross-lane, from St. Dunstan's hill to Harp-lane	6
Duke's-place	4

Bury-street	4 carts.
Laurence-Poultny-lane, and the passage into Suffolk-lane	4
Dowgate-hill	6
Coleman-street	4
Philpot-lane	4
Botolph-lane	5
Harp-lane	6
Bear-lane	6
In Fenchurch-street, where the church and pump stood	4
Leadenhall-street, between the East-India-house and pump	3
Lime-street	2
And the Weigh-house yard.	1

And that all *carts* standing in Thames-street shall stand on the south side only of the said street; and all this under the penalty of forfeiting, for the first offence, five shillings, and for every other, ten shillings; and for non-payment to be suspended from working.

What sort of *cart-wheels* shall be used in London, &c. 2 *Will. and Mar. stat. 2. c. 8. f. 19.* 3 *Will. and Mar. c. 12. f. 16.* Penalty on carmen riding on their *carts* within the bills of mortality. 1 *Geo. I. stat. 2. c. 57. f. 8.* Or within ten miles of London. 24 *Geo. II. c. 43. f. 8.* Riding on *carts* generally prohibited. 27 *Geo. II. c. 16. f. 7.* 30 *Geo. II. c. 22. f. 9.* The loads of *carts* in London restrained. 6 *Geo. I. c. 6.* *Carts* to be drawn with three horses only. 5 *Geo. I. c. 12. f. 1.* 14 *Geo. II. c. 42. f. 6.* 18 *Geo. II. c. 33. f. 3.* *Carts* to be drawn with four horses. 16 *Geo. II. c. 29.* With five horses having broad-wheels. 26 *Geo. II. c. 30. f. 4 and 6.* *Carts* to be numbered, and to have the owner's name upon them. 18 *Geo. II. c. 33. f. 4.* On changing property, new owner's name to be affixed. 30 *Geo. II. c. 22. f. 5.* Carriages travelling with goods for hire, to be deemed common stage-waggons. 30 *Geo. II. c. 28. f. 13.*

CARTHAGENA is one of the four provinces of New Castile, whose capital (of the same name) is seated on the north sea, though very distant from Porto-Bello, to which it is hardly inferior for its trade, and greatly exceeds it in grandeur, populousness, and riches. It is one of the best ports in the world, and therefore made use of by the galleons for wintering, when they are obliged to pass that season in these parts, and where they often call on other occasions; besides which, this place maintains a great trade, with almost all the provinces of Mexico and Peru, and no small contraband one with Jamaica and Curacoa. It is here also, that the revenues of his catholic majesty, and the effects of particulars, are brought from New Castile, and the other three provinces of that kingdom, to be sent home by the galleons; these commodities are gold, silver, drugs, medicinal plants, spices, and all other shipped from Porto-Bello, besides some emeralds from the mines, near the city of St. Fe de Bagetta. See PORTO-BELLO.

CARTHAMUS. The seeds of *carthamus*, which are the part of the plant chiefly made use of for medicinal purposes (for the flowers are seldom used) have been in all ages reckoned among the purgatives; though even these have at length become almost strangers to the apothecaries shops. These seeds, when in perfection, are white, smooth, about three lines long, angular on one side, and roundish on the other. They contain, under a hard bark, a whitish pulp of a sweet taste, followed with an acrid and a nauseous one. When good, they sink in water.

CARTWRIGHTS TIMBER, is that which is used by the *cartwrights* and *coachmakers*. The timber is of two sorts, particularly, elm-timber, which is chiefly used in *cartwrights* work, namely, the round timber, and the hewn timber.

The round timber is that which is still in logs or blocks, that is, which has not yet been squared with the saw, and has the bark upon it still; but has, nevertheless, been cut to a certain length, proportionable to the work in which the *cartwright* would use it.

Hewn timber is that which has been squared with the saw, and reduced to the thickness and size proper for other works of the *cartwrights*.

With the round timber they make the naves, or stocks, of the wheels, the coach beams, the joints, &c. The hewn timber serves to make the coach standards, poles, beams, &c.

Rules concerning elm timber.

The round timber for naves, or stocks, or wheels, ought to be six feet and an half high, and ten inches diameter, at least, at the thinnest end; those pieces which are from twelve to sixteen inches diameter are reckoned the best, because they may serve for the largest cart-wheels.

The round timber for axle-trees must be six feet long, and from seven to eight inches diameter.

The pieces designed for poles ought to be of several sizes, according as they are intended for coaches, or for other carriages. Those for coaches must measure from ten to twelve feet in length, and the others from twelve to fifteen, without any knots, and be well bent.

For the joints, the pieces must be two feet eight or ten inches long, or even three feet.

Rules for hewn timber used by cartwrights.

The pieces of timber for supporting the standard of a coach must be cut six feet and an half long, six or seven inches broad, and four or five inches thick.

The standards of six feet seven or eight inches long, five or six inches broad, and three or four inches thick.

And the poles nine feet long, three inches and an half square at the smallest end, and four inches at the thickest end.

It must be observed, that there are several other pieces of elm timber used in the *cartwrights* business; which they themselves cut, the timber-merchants leaving several pieces, in the form of round timber, of divers sizes and lengths, for which there are no settled rules, the workmen chusing them at the sales, or in the timber-yards, according as they find them proper for the several works wherein they would use them.

CARVER. Carving is a very ingenious art, divided into several branches, performed by the *chair-carver*, the *frame-carver*, the *house-carver*, and the *ship-carver*; all which, being separate businesses, may be seen under their several articles.

CARYOPHYLLUS AROMATICUS. *Aromatic cloves* are the unripe fruit of a tree, in shape somewhat resembling a short thick nail. They are almost four square, of a rusty colour inclining to black, about half an inch long. At the larger end shoot out from the four angles four little points like a star, in the middle of which is placed a round ball of a lighter colour than the rest of the fruit; this is hollow, and composed of little leaves, which, when the fruit is ripe, expand into a flower; this part is very apt to be rubbed off. Cloves are of a strong, though agreeable, aromatic smell, and a hot biting taste. When fresh, they yield, upon pressing, a thick, reddish fragrant oil; and upon distillation with water, a copious aromatic, essential oil of a light colour, which grows deeper upon keeping: this oil sinks in water. Chuse such cloves as are of the darkest colour, weighty, oily, and of a strong smell, and which, upon tasting, almost burn the tongue, and have a sort of rich moisture. They grow in the Molucca Islands, near the equator, and are cultivated with great care in the Island of Ternate. The Dutch bring them to Holland, whence they are imported to us. Great care ought to be taken in the choice of them; for they are very liable to be robbed of their essential oil.

Cloves are used as spice in foods, and make an ingredient in most of the family wines, or spirituous cordials. They are, in medicine, carminative and good against all distempers of the head arising from cold causes. They strengthen the sight, and will alone cure many kinds of head-achs: they are also good against faintings and palpitation of the heart, and against crudities in the stomach. They are given from three grains to six or eight for a dose, but are seldom used singly, or in their crude state. There is an essential oil obtained from them *per descensum*, or by distillation in the common way, which possesses all their virtues, and in which form they are generally used. This oil is carminative, and is an ingredient in the pills of the rougher

cathartics. It is also good as an external application to carious bones, and is one of the usual remedies for the tooth-ach. Its dose internally is no more than a drop or two.

The *autophylli* are scarce every met with in our shops. The Dutch preserve them, while fresh, by way of a sweet-meat, and are fond of them after meals, to promote digestion.

Ray and Herman do not allow the *caryophyllus regius*, or *royal clove* (so called by the Dutch, from their opinion of its virtues, or rather of its rarity) to be a distinct species, but only a *lusus naturæ* of the common clove. *Hill's Hist. Mat. Med.*

CAS, CAXA, CAYAS, CACHE, CASSE, and CASIE, is a small money of lead, and the scum of copper mixed; its principal currency is at Bantam, and the rest of the Isle of Java, and in some neighbouring islands. This money made at Chichen, a city in China, is a little thinner than a double of France, and has a hole bored in the middle, by which many of them are strung together; this string, called a *santa*, has two hundred *caxas*, which are worth nine deniers; five *santas*, tied in a bundle, make one thousand *caxas*, called a *sapocou*, which makes three Dutch stivers and nine deniers. There is nothing more brittle than this money, so that if it falls it certainly breaks in many pieces; and if it lies but one night in salt-water, they stick so close together, that more than half is broke in their separation. The Malays call them *cas*; but in the language of Java, they are called *pitis*. There are two sorts of them, great and small; the latter are those we have been speaking of, whose value is so small, that three hundred thousand of them are only worth about fifty-six guilders, and five stivers of Holland; the biggest are the old ones, of which six thousand are worth a piece of eight, and are very little different from the *cashes* of China, and the *casies* of Japan.

CASAN, CAZAN, or KASAN, a kingdom in Muscovian Tartary, which the Russians call *Czartisflow*. *Carouf-koy* was formerly subject to its own princes, who were esteemed powerful monarchs, but was subdued by the czar Basilowitz, to which was added the kingdom of *Asracan*; since which these two kingdoms have been looked on as the two richest jewels in the czarish diadem: this of *Casan*, on account of its extraordinary richness and fertility; that of *Asracan*, on account of its vast and valuable traffic.

Casan is bounded on the north by the provinces of Vaitka, and Permia; on the east by the Tuman Tartary; on the south by Barkiria, Bulgaria, and *Asracan*; on the west by the Lower Novogrod and Muscovy, properly so called. It is watered by the two rivers Wolga and Kaina, which run through it, and enrich both its soil and its traffic.

Casan, a large and populous city, the seat of a Russian metropolitan, is situate on a fine spacious plain, on the river Casanka, about seven versts from the place where it falls into the Wolga, in latitude 58 deg. 38 min.

It is excellently situated for being well supplied with all manner of necessaries and provisions, by land and water, and which are here in great plenty and cheapness.

CASAVA, GASAVA, or GAZANA, is an East-Indian silver coin, and one of the roupies current in the dominions of the grand mogul, especially at Amadabath.

CASBEQUE, or KABESQUE, is a small copper coin, only made, and current in Persia; it is worth about six deniers Tournois, and the *demi casbeque* one half. *Pul* is the common name for all copper money in Persia.

CASCHGAR. See BOUCHARIE.

CASE-HARDENING, a method of rendering the surface of iron so hard as to resist the file, or any edged tool.

The art of *case-hardening* is a lesser degree of steel-making, and is performed by baking the iron instruments in a kind of oven, stratified with powdered charcoal, hoofs, horns, and the like, so as to exclude the air: by which means the instruments acquire a kind of coat of steel some depth below their surface.

CASH, in commerce, the stock of ready money which a merchant, &c. has at his disposal.

The management of *cash* of a separate or joint trader, in society or partnership, is of the utmost consequence to render trade successful. With regard to the former, he should always have his eye upon that essential account, in

order to answer all demands, and to procure payment of debts when due.

Among partners, the conduct of their traffic should be so divided between the concerned, as to suit each others talents and disposition. Thus the business should be divided between them, both with regard to the buying and selling of merchandizes, keeping the *cash*, and the ledger; and seeing to what particular part of the business each is most fitly adapted. He who is of an active stirring temper, is more proper for buying and selling, than he who is of a more sedate disposition, and loves ease and rest. Therefore the more active should be employed in the buying and selling of merchandizes, the more sedate in keeping the ledger and cash; because, having less vivacity, he may be more circumspect in the management of sedentary business, than if he were more active. And, indeed, the success of partnership depends, in a great measure, on the prudence and good order of him who keeps the *cash* and the books; which consists in keeping the books without the least confusion, in knowing instantaneously what is due to the partnership, or what it owes, and in calling in debts regularly, to answer all emergencies.

The most important of all is the management of the *cash*. That does not consist only in receiving and paying, which is very easy: he who manages it is to take care of many other things, from which the whole prosperity of the partnership must proceed. For which reason he is to mind two things chiefly; first, that there be always money enough in *cash* to pay the bills of exchange, which their correspondents and manufacturers draw upon them; and, in case they keep manufactories, the bills or notes for monies borrowed, in order to buy the requisite materials, and to pay workmen, that the course of business may be by no means interrupted.

Secondly, he must call in the debts regularly; for, as the *cash* exhausts, it must be timely replenished.

Lastly, he who keeps the account of *cash* ought to be like a good pilot, who wisely foresees the storms that may happen, during the time of the partnership, particularly if they have manufactories which depend on the fashion; such as wrought-stuffs, that are in vogue, according as people's fancy leads them, and for which there is not the same demand at all times. They who deal, for instance, in gold, silver, silk, and flowered-stuff, if there happen to be a public mourning for the death of a sovereign prince, or any of the royal family, will find the sale of such goods at a stand; and yet they must duly pay what they owe, and still uphold their manufactories, which must by no means stand still, upon such a temporary occasion.

This is a very bad time for those sort of traders; their merchandizes remaining dead in the warehouses; their debtors, who deal by retail, not being able to pay what they owe, because their trade is also at a stand; yet their creditors will be paid, and thus the *cash* becomes inevitably exhausted. When this is the case, he who keeps the *cash* ought timely to think of prudential expedients, in order to raise money. To which end there are three that naturally present themselves; the first is, to apply to the debtors; the second, to negotiate bills of exchange; and the third, to have recourse to particular friends.

At such conjunctures little dependence is to be made on the company's debtors, because they are not able to pay, by reason of the stagnation of their branch of trade; yet this is a time in which they must be used with tenderness and indulgence, that they may not be necessitated to break. The credit for negotiating bills of exchange is uncertain, as depending on the caprice of men, more especially at such critical times; so that little stress is to be then laid upon it.

The safest expedient, at such conjunctures, seems to be to have recourse to particular friends, who are monied-men, and who will not refuse to lend a trader, if they can do it with safety.

All these considerations will occur to the sensible man of business, who has the conduct of the *cash*, in order to support his trade and credit, that he may not be surprized: for which purpose, he ought always to have before him a balance or account of the company's debtors and creditors, that he may know the state of their affairs, in order to call in the active debts, or to renew the bills or notes for the passive debts, when such bills or notes are become due. And, in case the money fails, he must be very diligent in

both these particulars, and examine very carefully, whether those whom they entrust with merchandizes, are punctual in their payments; whether they be careful and prudent in their way of business, in order not to trust them too much, or imprudently; for it is of the last importance to be well acquainted with the circumstances and credit of those with whom we deal.

The partner who keeps the *cash* ought to know, that if he be negligent in calling in the active debts, he does two great and irreparable prejudices to the partnership. The first is, that a merchant, who is able to pay to-day, will perhaps prove insolvent to-morrow, and may break by some unforeseen accident; whereby a part, not the whole of the profit, which the partners shall have made, may be lost. The second is, that there being no money in *cash*, if the partners are obliged to borrow any, the high interest they must pay will swallow up all their profit, and very often their capital also. These plain observations may be of no little advantage, especially to young and unexperienced traders.

Remarks on cash in a national light.

From the circulation of the *cash* of private traders, or gentlemen, we may, in some measure, judge of that of a nation, and what quantity is competent for the circulation of the commerce thereof. To trace things from their first principles: before the use of money, we may naturally enough consider the proprietors of lands as employing slaves, servants, or vassals, to procure them the conveniences of life. On this supposition, the proprietors must have as much allowed them of the produce of the land as was necessary to maintain them and their children.

Since the use of money, it is further natural to judge, that when its quantity, by alterations, gradually found out a par, or proportion, to the other commodities, the land-proprietors allowed those who worked for them, so much money *per annum*, or *per diem*, as answered to their subsistence, and that of their children, according to the manner of living to which they were used. If the proprietors gave them less, they could not subsist; if they gave them more, others would have offered themselves to work for them cheaper, by which the proportion of men's wages in money was readily found out.

In like manner, the uncertain wages of all undertakers have found out their proportion, according to the gain and manner of living wherewith those of that order contented themselves.

Suppose an equal quantity of *cash*, or money, to circulate constantly in a place, the proportion of money which every body brings to market, according to the means of subsisting which he hath, naturally keeps the alterations at market (*ceteris paribus*) in an uniform situation; and the variation of prices, in the ordinary commodities of constant consumption, proceed only from inequalities, when some inhabitants spend more in one week than they do in another.

But the greater variations proceed from good or bad years of vent, and the plenty or scarcity of the commodities.

To come to the nature of the circulation of money, let us consider the proprietor of a large landed estate, which he keeps in his own hands, and who has all sorts of labourers, servants, tradesmen, overseers, &c.

Let it be supposed, also, that several of these overseers and tradesmen, to whom the land-proprietor usually gave an allowance in commodities, for their maintenance, and the propagation of children, had, by their œconomy, from time to time, saved a good part of the said commodities, and then exchanged them with Americans for money, at such price as has been determined in the alterations between them. Let it be imagined, likewise, that all the inhabitants on the said estate are fond of silver, and willingly receive it as a pledge for the commodities they lend to, or barter with each other; and reciprocally take and give it, in absolute barter, finding it so generally in request, that they may have their commodities for it again, with little variation of price, whenever they want them.

Let us suppose a fixed quantity of this money circulating on this estate, as two thousand ounces of silver, and that subdi-

subdivided into several small pieces, as is the current money in a state.

If the proprietor himself has purchased these two thousand ounces of silver from the Americans, or dug them out of his own ground, it will come to the same thing, provided he exchanges and barter them with the other inhabitants, his dependents, for the commodities which the land produces, and whereby they all subsist.

Let it be again conceived, that the proprietor, to avoid the trouble of keeping his estate in his own hands, and employing so many different overseers, labourers, tradesmen, &c. chusing to live out of his own landed estate, lets it in parcels to several of his own overseers, on the ordinary foot that lands are let in England, and leaves the tradesmen to set up as undertakers, for the supplying, as they can, the inhabitants, and himself and family. Suppose the quantity of money at which he lets this estate, be one thousand ounces of silver *per annum*.

It is the general opinion in England, that a farmer makes three rents; viz. the principal rent he pays the proprietor; a second rent for the charge of his farm, and the wages of his servants; and a third rent for himself and family, whereon to subsist, and for the education of his children. This opinion is founded on experience, which shews, that of a farm of three hundred acres, of equal goodness, the produce of one hundred acres sold at market is sufficient to pay the principal rent to the landlord, or proprietor. But in France and Germany, and other countries, the proprietors seem different; in several parts of France, the proprietors have two-thirds of the produce of the land free, which makes the farmers, and all dependent on them, live so much the worse.

This should give our farmers and country people, in general, a just notion of the difference, by living under a French government and an English one, according to the steady constitution of our kingdom; which, agreeably to the judgment of the wisest and best of men, can as little subsist by absolute monarchy, as by republicanism or oligarchy.

In this economy the tradesmen, who have set up for undertakers, buy of the farmers, &c. their materials; the clothier buys wool of the farmer, the tanner hides, the baker wheat, the butcher oxen, sheep, &c. the land-proprietor, for the use of his family, buys what he wants of all these, who are supposed to have each of them a portion of two thousand ounces of silver to set up. And, as the land-proprietor is paid one thousand ounces of silver by his farmer once a year, he pays the said quantity of money to them for that wherewith they supply him, by which they are reimbursed the sums they had advanced in their undertakings, and find also a maintenance for themselves and children.

The actors in regard to the second rent, viz. the tradesmen and undertakers, smiths, carpenters, &c. so far as they are assistant to the farmer; the labourers, servants, &c. belonging to the farmer; pay and receive of the farmer, and one another reciprocally, one thousand ounces *per annum*, according to the supposition.

The farmers themselves, who are the actors in regard to the third rent, and have a third part of the produce of the estate free, supposing they save and lay up nothing, create also for extraordinary expences for the education of their children, or for the better convenience of living, a circulation also of one thousand ounces of silver *per annum*, according to this supposition: and so, upon the whole, if the estate be let for one thousand ounces of silver *per annum*, it seems to require three thousand ounces of silver to carry on the circulation of the three rents, if the payments be made once a year.

But, as it frequently happens that the farmer pays the labourer in villages with corn and commodities for their work; that such part of the land as maintains the farmer's horses requires no circulation or barter in money; that the subsistence of the farmer's servants and family requires no money, since they often kill their own meat, and brew their own drink, and bake their own bread; and since no more money seems requisite than for what the undertakers and tradesmen do, and there being little of that required in villages, but for clothing, carpenters work, smiths work, and the tailors, shoe-makers, and the like: whereas, all the proprietor's expence in his family, since

he has no land in his own hands, is supplied by the undertaker; from which consideration it should seem, that the circulation of the two last rents does not require near so much as the single rent of the proprietor, which is the principal source and cause of the circulation of money.

Yet we will suppose, that the circulation of the two last rents together are equal to that of the first rent.

So that if the produce of all the land and labour in the estate in question is equal to three thousand ounces of silver, the exchange and barter of the said produce among the actors of the three rents will require but two thousand ounces of silver to carry on the circulation of the whole, and make all the payment, once a year.

But if the land-proprietor stipulates the payment of his rent with the farmer once in six months; and if all the payments, made by the actors in the three rents, are also made once in six months, one thousand ounces in two payments will answer two thousand ounces in one payment.

And, if all the payments are made quarterly, five hundred ounces will answer the whole circulation; and it often happens, that the farmers pay but a quarter's rent to the proprietors at a time, and it is observable in the country, that there is seldom more money in villages than what will answer a quarter's rent.

And, as the different kinds of the products of land seem to answer and correspond to the four seasons of the year, it seems natural to judge, that the wheels of *cash-circulation* and barter of commodities are set a-going four times in a year, and in many countries the rents are stipulated to be paid quarterly.

Now, if we suppose this land-proprietor and several others to live together in the common center of their lands, where they form a city, and draw thither most of the undertakers and tradesmen, who supply their families, and one another. As almost every thing is carried on and supplied in a city by undertakers, so almost all the barter requires money; but then, on this supposition, the circulation of money is very quick, all the undertakers and tradesmen commonly paying their workmen and journeymen once a week, and several families paying their expences daily at market.

But these small parcels of money, which go and come so frequently and quick in several small rivulets of barter, are gathered together again in lumps by the undertakers, as bakers, butchers, brewers, &c. and paid to the farmer, from whom all commodities are bought; and then are again paid quarterly to the land-proprietors, out of whose hands they are again spread into the rivulets of barter: and these payments made, the proprietors seem to be the principal object to judge by of the quantity of money in circulation, there being no great sum required for the circulation of the other two rents. Cities are esteemed to contain half the inhabitants of a state, and to make more than half the consumption of the produce of the land.

Though the detail of the circulation of money in a state be indefinite, yet it appears from what has been said, that it is not incomprehensible, and till somebody has the curiosity to examine the said detail, and endeavour to come at better knowledge of the proportions of it, we shall lay it down as our opinion and conjecture of the matter in general, that the real *cash* or money necessary to carry on the circulation and barter in any state, is nearly one-third part of all the annual rents of the proprietors of the said state.

Whether money be scarce or plenty in a state, this proportion will not change; because if it be scarce, the proprietor will sell his land for less money, and if it be plenty, he will sell it for more, and this will always hold good in the long run. But if the circulation of money be slower or quicker generally in a state, the proportion of money, required in a circulation, will be more or less.

According to this supposition, if two thousand ounces of silver served to carry on all the circulation on the estate we considered, the proprietor's rents ought to have been six thousand ounces, and the three rents equal in value to eighteen thousand ounces, and consequently the money which carries on the circulation and barter in a state may be esteemed equal in value to the ninth part of the annual product of the lands of the said state.

Sir William Petty, in a manuscript writing in 1685, supposes frequently, that the circulating money in a state is equal to the tenth part of the annual product of the land; and though he assigns no reasons any where for such a conjecture, it looks as if his great experience and sagacity had let him into that proportion.

As his supposition differs from what has been suggested but one-tenth, we should readily come into his notion, if it were able to lead us into any useful knowledge; whereas, in fixing a proportion between the circulating money in a state and the rents of the proprietors, whereof the sum may be known by an exact land-tax, the knowledge of the actual sum of money requisite in circulation may be attained.

It is easy to conceive, that foreign trade requires no great additional sum to carry on its circulation in a state, when the balance of trade is equal. In this case the goods and commodities exported pay the value of those that are imported; when the proprietors consume the foreign commodities, they pay the undertakers of the foreign trade what they had advanced for them; and these pay the same value to the undertakers of the exported goods, which compensate the imported ones; this is all paid out of the first rent; and where the actors in the two other rents consume foreign commodities, the money necessary for the circulation of the said rents also is sufficient to answer it.

All the influence foreign trade seems to have upon the circulation of money in a state is, that it sometimes retards it, and makes it pass through the hands of more undertakers and brokers, than it otherwise would do.

If the proprietors of land at Paris wear Genoa velvets to the value of ten thousand ounces of silver, and these velvets are compensated by ten thousand ounces value in French cloth, the proprietors out of their rents pay the velvet-merchant, as undertaker, ten thousand ounces; he pays the sum to the Genoa banker, or remitter; he pays the same to the cloth-merchant, who sends French cloth to Genoa on his bills of exchange. But if the proprietors at Paris wore cloth instead of velvets, they would pay directly the ten thousand ounces to the cloth-merchant, and so that money would not go through so many hands; it is in this sense only that foreign trade can affect the circulation of money. See CIRCULATION.

CASHIER, he who keeps the *cash*, or the money, which is his business to receive and pay.

CASK, a common name for vessels of divers kinds, in contradistinction to the liquor or other matter it contains. A *cask* of sugar is a barrel of that commodity, containing from eight to eleven hundred weight, and a *cask* of almonds is about three hundred weight.

CASPIAN-SEA. It is but a little while since we had any true knowledge of the *Masanderan*, or *Caspian-sea*, which the Persians call *Culsum*. It is beyond dispute the greatest lake in the universe, being situated between the thirty-seventh and forty-seventh degrees of latitude, and the seventy-seventh and eighty-third degrees of longitude; its waters are extremely salt, except towards its shores, where they are freshened by the rivers running in; and it abounds with sturgeons, salmons, salmon-trout, &c. all which fish come in the spring to seek the mouths of the fresh-water rivers; and it is incredible what a quantity are yearly taken at this season; here are also carps and breams, which is something particular in a sea, whose water is naturally salt; and here is also the white-fish, called by the Russians, *bielluga*, which is peculiar to this and the Black-Sea; and for this reason some pretend that these two seas have a subterraneous communication. All these sorts of fish are much larger and fatter than elsewhere, especially the white-fish, which have been taken twenty feet long; they have some resemblance to a pike, with the taste of a sturgeon. The *Caspian-Sea* has neither flux nor reflux; and only the port of Baku (in the province of Schivan) on all its western coast, and this solely for small vessels; though there is a good road at Terki, where vessels may ride in safety, between the Isle of Zeeen and the land. On the eastern coast is the port of Mankischlak in the Chorasian, which is excellent, and the only one found in this sea; but being unhappily in the hands of the Tartars, with all this eastern coast, it is of very little use.

CASSAVA, CASSAVE, CASSAVI, or CASSADA, the root of a shrub, which the French call *manioc* or *manioque*,

and the English *manibot*. These roots, being rasped and baked, are what is properly called *cassava*, or flour of *manibot*, and are used by all the natives of America instead of bread. They plant cuttings of this shrub in new grounds designed for cacao-walks; not only because they are absolutely necessary to a planter for the food of his negroes, but also to prevent the growing of weeds, and to shade the young cacao-plants, as they come up, whose tender shoots, and even their second leaves, would not otherwise be able to stand the excessive heat of the sun: for which reason they delay planting the cacao-nut, till the *manibot*, or *cassava-shrub*, be grown high enough to shade them.

The landresses use the fecula of the *cassava* instead of starch, to starch linen with; and some inhabitants of America mix one-third of it with two-thirds of wheat-flour, and make bread of it, which is very white, and very well tasted.

CASSEN, in *Arabia*, has its port open and exposed to an east-wind, though sheltered from the west; its trade is but inconsiderable, and this under the king's immediate direction. Some vessels come here with rice, dates, and a sort of clothing made of hair in Persia, which goods are exchanged for olibanum, aloes, and butter; and the properest time for this commerce is in the months of May, June, and July.

CASSIA. *Cassia fistularis* is a round pod or fruit of a tree, scarce an inch in diameter, about a foot, and oftentimes more, in length. The outside is a dark brown, hard, woody bark, having a large seam running the whole length on one side, and another less visible on the other. The inside, which is of a yellowish colour, is divided by a great number of parallel, thin, woody plates, or partitions, placed transversely, covered with a soft black pulp of a sweetish taste, with some degree of acrimony; with a flattish, smooth, oval seed in every partition. There are two sorts of this drug in the shops: the one is brought from the East-Indies; the other from the West. The canes of the latter are generally large, rough, thick-rinded, and the pulp disagreeable and nauseous: those of the former are less, smoother; and the pulp is more black, shining, and of a sweet and not disagreeable taste: this sort of *cassia fistularis* is preferable to the other. The pods should be weighty, new, and not making a rattling noise from the seeds being loose, when shaken: the pulp should be black, shining, sweet, not harsh (which happens from the fruit being gathered before it is fully ripe) nor sourish, which is apt to turn upon keeping: it should neither be too dry, nor too moist; nor at all mouldy, which from its being kept in damp cellars, or moistened in order to increase its weight, it is very subject to. Sennertus observes, that the urine is apt to be turned of a green colour by the use of this fruit; and sometimes, when a great quantity has been taken, of a blackish colour. The pulp of *cassia* dissolved in a large quantity of water, and kept for several months in a cask, deposits an essential salt very like tar. Lewis.

The fresh pulp of *cassia* is a mild and an extremely safe purge; it may be given under almost any circumstances to persons of all ages, sexes, and constitutions; but there requires a large dose of it to work. It is given with success in inflammatory fevers, and in disorders of the breast, kidneys, and bladder. It is eminent for doing great service in many cases, in which any other purge would do mischief by its irritation. It is excellent, also, given in small quantities, against that painful disorder, habitual costiveness; and it will often do good in head-achs, and many chronic cases, where little might be expected from so gentle a medicine.

Cassia is given from two drachms to an ounce and a half for a dose, as a purge; but it is very rarely given singly: it is the basis of the famous lenitive electuary of the shops, and of many other compositions of the same intention now grown into disuse.

Dissolved in milk, and given by way of clyster, it is an excellent relief in cases of the internal hæmorrhoids.

There is a distinct species of *cassia* peculiar, as far as is hitherto known, to the Brazils. We sometimes meet with the pods of this sent over into Europe. They are much thicker, and their external coat much harder than the others, and are of a somewhat compressed or flattened form. The pulp in the pods is of a brownish black colour, and of a bitterish disagreeable taste. This is an astringent, if taken

taken out before the pods are ripe; but a purgative like the others, if taken out when ripe. *Hill.*

CASSIA LIGNEA is a sweet wood, not unlike the cinnamon, and comprized among merchandize to be garbled.

CASSIDONY, a mineral and precious stone, with veins of several colours: they make vases of this stone. Some imagine that these vases, which the ancients called *murrhina*, and which they valued very much, were made of *cassidony*: others pretend they were a kind of porcelain, or China ware. *See PORCELAIN.*

CASSONADE, or **CASTONADE**, cask-fugar, or fugar put into casks, or chests, after the first purification, but which has not been refined. It is sold either in powder or in lumps: the whitest, and of which the lumps are the largest, is the best. Many imagine that it sweetens more than loaf-fugar; but then, it is certain that it yields a great deal more scum. *See SUGAR.*

CASSUMUNIAR, is a tuberous root, which comes from the East-Indies. Some of it is an inch or more thick, and cut into transverse sections, marked on the surface with circles like galangal. It is of a dusky yellow colour within, a bitter, hot, aromatic taste, and fragrant smell, somewhat resembling ginger.

Cassumuniar was not at all known to the ancients; and its use has been in a manner peculiar to England.

It is a cardiac and sudorific, and is a very famous medicine in nervous cases. It is also given as a stomachic and carminative with success. It is not an ingredient in any of our official compositions, but is often prescribed in powders, bolusses, and infusions, among other aromatic and stomachic medicines. Its dose in powder is from five to fifteen grains: in infusion, the common proportion is a drachm, or a drachm and a half to the pint.

CASTAMBOLI, which is two days journey from Nicopolis, makes coarse buckrams of all colours to above eighty thousand dollars value yearly; of which a part goes to Constantinople, and the other to Caffa and Kily; here is also gathered a considerable quantity of wax sent to Smyrna; and the Persians carry on a great trade here, as they do at Rupur, a day's journey from Synope.

CASTILLANE, or **CASTELLAN**, a gold coin, which is current in Spain. It is worth fourteen rials and sixteen deniers, or three livres and ten sols French money, upon the footing as it anciently was.

CASTILLANE is also a weight used in Spain for weighing gold; it is the hundredth part of a pound Spanish weight, which is one-seventh *per cent.* lighter than the pound mark-weight of Paris.

Fifty *castillanes* make a mark, six *castillanes* and two tomins an ounce; eight tomins make a *castillane*; every tomin is of twelve grains, and the carat contains four grains.

The *castillane* is also in use at Buenos Ayres, in the mines of Chili and Potosi, and throughout all Spanish America.

What they commonly call a weight of gold in Spain, is always understood of the *castillane*. So that when they say, ten thousand weight of gold, it is as much as if they said, the weight of ten thousand gold *castillanes*.

CASTILLE. The kingdom of *New-Castille* is bounded on the north by *Old-Castille*, from which it is every way divided by mountains, which are only known by the names of the countries they run through. On the east it is parted from *Estremadura*, by another chain of them, called *Guadalupe* and *La Sarena*; on the south from *Andalusia*, by those called *Sierra Morena*, and by an imaginary line from *Murcia*; and on the west by the river *Segura*, and the mountains of *Almanza* and *Raquina* from *Valentia*; and from *Arragon*, by those of *Maya*, *Daroka*, and *Molina*. The length of this kingdom, from south to north, is about one hundred and eighty miles, and pretty near the same in breadth, where widest, but its figure is irregular in the latter. The country being all inland, and surrounded with such high mountains, which contract the sun's rays, as it were, into a focus, and at the same time, suppress the free passage of the cooling sea-breezes, its climate is consequently hotter in summer, and colder in winter, than those which lie along the sea-coasts, under the same latitude. It is, notwithstanding, very healthy, and its soil generally fertile.

Madrid is the capital of this kingdom, and at present, of all Spain. It is situated on a chain of little hills, surrounded with high mountains, and is about seven miles in circumference, without walls or fortifications, but containing several grand streets and spacious squares. There are three royal palaces here, called the Palace Royal, the Casa del Campo, and the Buen Retiro. The other places of considerable note in *New-Castille* are,

Toledo, built on a high, steep, and craggy rock, almost inaccessible on all sides, and made much more so by the course of the river *Tagus*, which encompasses it almost round, and over which it has two noble bridges. Here are a great number of merchants, tradesmen, and artificers, especially in the silk and woollen manufactures, which two branches alone are said to employ ten thousand hands. *Toledo* is about thirty-six miles distant from *Madrid*.

Talavera de la Reyna is delightfully seated on the river *Tagus*, thirty-six miles west from *Toledo*, and is much famed for its woollen manufacture of stuffs, and particularly for an extraordinary kind of fine earthen-ware, that is made at it.

The kingdom of *Old-Castille* was formerly part of the Roman *Tarracensis*, and borders all the way on the south to *New-Castille*, from which it is divided by a ridge of mountains, which change their names according to the places of note they pass through, as *Motina*, *Seguena*, *Segovia*, &c. by that chain of them which is called *Sierra de Tablada*, and by those of *Pico* and *Banos*, from *Estremadura*, on the west; and by those of *Avala* and *Perina*, with the little rivers of *Carrion*, *Pisuerga*, and *Heban*, from *Leon* on the north-west. It is parted again on the north from *Asturias* and *Biscay*, by another ridge of hills branching out from the Pyrenees; only in the center, between these two provinces, it has a narrow slip of land which reaches quite to the Bay of *Biscay*; lastly, on the east, the *Ebro* and mountains of *Doca*, for a considerable length, part it from *Navarre* and *Arragon*. The greatest extent of this province from north to south, reaches from 40 deg. 10 min. to 43 deg. 15 min. of latitude, and from 1 deg. 30 min. to 4 deg. 10 min. of west longitude; that is, about one hundred and eighty miles, and near about the same number from east to west; that is, both ways taken where largest, for its figure is very irregular, and not near answerable in other parts. The climate here differs somewhat from that of *New-Castille*, on account of the country being more mountainous, which makes the several parts vary according to their situation, the vallies being excessive hot, and the upper grounds proportionably cold and bleak: but upon the whole the soil is generally good. Snow covers the tops of the mountains here all the summer, and is carried away and fold in the towns, as is usual through all Spain, to cool their wine.

Villadolid, in this kingdom, stands on the bank of the river *Pisuerga*, on a pleasant rising ground, and yields a noble prospect by this its fine situation and grand edifices. It is both populous and opulent by means of the woollen manufacture, which is here the best and most considerable in all Spain.

CASTOR is the inguinal glands of the beaver; they are of various shapes and sizes, covered with a thick pelicle, filled with an unctuous liquor, which grows hard on keeping, and is of an acrid, bitterish, nauseous taste, and a strong, fragrant, but not at all agreeable, smell. They should be chosen large, weighty, well-fed, neither too dry, nor too moist, of a brown colour, of a strong penetrating smell, and filled with a hard, brittle, and friable substance, of a brownish red colour, interperfed with fine membranes and fibres, exquisitely interwoven. There are several sorts of *castor* to be met with in the shops, which are named from the places whence they are brought. The best sort is the Russian, and is said to come from *Siberia*; this is in large, round, hard cods, and appears, when cut, of a red liver-colour. An inferior sort is brought from *Dantzick*; this is generally fat and moist. The worst of all is that of *New-England*, which is in longish, hard, and thin cods. Another sort is brought from *Hudson's-bay*, in shape somewhat resembling that of *New-England*, but of a far better quality, of a very strong smell and taste, little inferior to the *castor* which comes from *Dantzick*. *Castor*, boiled in water, imparts a good deal of its smell

to the vapour: the decoction tastes bitter and very nauseous, but with little or none at all of the flavour of the *caslor*. Two ounces of rectified spirit of wine digested upon half a drachm of fine Siberia *caslor*, powdered and sifted, extracted a reddish tincture, which smelt and tasted pretty strong of the *caslor*, but was not near so bitter and nauseous as the decoction above. Proof spirits extracted a lighter tincture than rectified, and which did not taste so strong as the other. The remainder, after the decoction was filtered off, being gently dried, appeared of a deeper colour than the *caslor*, and had very little taste or smell, though it did not seem to be considerably diminished in quantity. The residue of the tincture made with proof spirit was of a lighter colour than the *caslor*, had very little smell, and a slight bitterish taste. What remained after the tincture made with rectified spirit, was of a still lighter and brighter colour than this, seemed to have less smell, but plainly partook more of the nauseous bitter taste remarked in the decoction made with water. Sweet spirit of sal ammoniac seems to be the best calculated menstruum for *caslor*, from which it soon draws a deep tincture, and at the same time adds to its medical virtues. *Lewis*.

CATALONIA is bounded on the north by the Pyrenees, by which it is parted from the province of Roussillon in France, on the west by Arragon, and a small part of Valencia; from the first of these it is separated by the rivers Noguera and Mataruna, and a ridge of hills, and from the latter by the river Genia. On the south and east it is washed by the Mediterranean, and has many convenient sea-ports along those shores. The inland is a mixture of plains and mountains; that part next France is the most mountainous; but farther in, it abounds with delightful and spacious plains. The climate, which reaches from 41 to 43 degrees of north latitude, and from one degree to 30 deg. 20 min. east longitude, is therefore, neither so hot as Andalusia, nor so cold as Asturias and the north part of Spain, being moreover sheltered on the north by the Pyrenees, and on the east by the sea. The temperature, joined to the many streams and rivers with which the country abounds, makes it exceeding fertile and delightful. Its products are much the same with those of Arragon, besides quarries of marble, alabaster, and jasper-stone, coral taken out of the sea, salt, and many other commodities.

Barcelona is the capital of this province, and is inferior to few in Europe that are not courts of princes. It is pleasantly seated on the Mediterranean coasts, a little below the Gulf of Lyons, and opens to the sea in a beautiful semicircle, which, together with its eminence and castle, and the beauty of its churches and other sumptuous edifices, affords a most delightful prospect to the ships that sail by or to it, especially as it stands between two considerable rivers, the Llobregat and Bezes, which pay their tribute to that sea on each side of it. The coast it stands upon is a good safe road, and the port, though rather too small, has rendered it a place of great trade, especially when Indian commodities were brought from Turkey and Egypt through the Mediterranean. Its situation is on a spacious plain, at the foot of the mountain Monjuque, and its territory is stored with all necessaries for sustenance and delight. This province has also some other towns and cities of considerable note, as Tartagona, commodiously situated near the coast of the Mediterranean, with a safe harbour for small ships. Tortosa, situate on the bank of the Ebro, not far from the sea, with a good bay formed by that river; Vicque, pleasantly situated, thirty-six miles north from Barcelona, in a kind of peninsula, made by the rivers Ter and Noguera, which almost encompass it; and Cardona, sixty miles distant from Barcelona, and remarkable for a mountain of salt near it, which yields an annual revenue of thirty thousand pieces of eight. This salt is transparent, and, when powdered, is exceeding white. All these places enjoy a very fertile and delightful territory.

CATECHU. See ARECA.

CATERGI is the name of the public carriers in the grand seignior's dominions. There is a remarkable particular to be observed with regard to them, which is, that whereas in France, and every-where else, the merchants, or travellers, give earnest to those who are to carry them, their baggage, or merchandizes; in Turkey it is the car-

rier who gives earnest to the merchant, and others, as a security that he will certainly carry their goods, or not set out without them.

CATI, or CATTI, is a Chinese weight, particularly in use on the side of Canton. It is divided into sixteen taels, each tael making one ounce, two gros of France; so that the *cati* is one pound four ounces mark; a hundred *catis* make a pic, which is a large Chinese weight, like the hundred and twenty pounds of Paris, Amsterdam, Strasbourg, &c. The *cati* is also the only weight at Japan; it is likewise used at Batavia, and other parts of India, where it is lighter or heavier, according to the number of taels it consists of; for example, at Java it is worth only twenty taels, and at Cambaya twenty-seven.

Cati is also a small weight which the Eastern lapidaries use for weighing emeralds, being only three grains. It is likewise an account money used in Java, and other neighbouring islands, being near in value to nineteen Dutch guilders, and ten thousand caxas of Java go to the *cati*.

CAT'S-EYE, a name given by jewellers to the *asteria* of the ancients, a gem which more than any other approaches to the nature of the opal, but wants much of its beauty. It is naturally of a semicircular figure, or smaller segment of a sphere, and flat at the bottom. It is smooth and glossy, and of a pale brown-colour, in which it has an included white which plays about in it, as held differently to the light, in the manner of the fire-colour of the opal, and seems like that bedded deep in the stone. The various specimens of this gem have this white in different degrees; in some, where it bears but a small proportion to the brown, it is seen in form of a lucid speck moving about to different parts of the stone, as it is differently turned to the light: in this state the speck resembles a star, and from this it was that the ancients called it *asteria*. When there is more of the white, one half of the stone usually appears white, while the other is brown; both which shift their places, as the stone is variously turned to the light, and there often seems a sort of white line to divide them. It is sometimes tinged accidentally with a greenish, bluish, or yellowish colour; but it is the worse for any thing of this kind, never shewing the included light so well as when of its native pale brown.

It is found in the island of Borneo, and in some other parts of the East-Indies, as also in New-Spain, and in some parts of Europe, where it is found bedded in the same stone with the opals. It is said to have some virtues as an astringent; but the present practice wholly disregards them.

CAT-GUT-SPINNER. *Cat-gut* is a necessary article in several trades; as in the making of whips, the stringing of violins, &c. But yet *cat-gut-spinning* is a very mean, nasty, and stinking trade, that requires no genius or abilities. None but the poorest children are put apprentice to it; and, when out of their times, are able to earn only a very mean support.

CATTLE, a collective word, which signifies the four-footed animals, which serve either for tilling the ground, or for food to men. They are distinguished into large or black cattle, and small cattle: of the former are horses, bulls, oxen, cows, and even calves and heifers; amongst the latter are rams, ewes, sheep, lambs, goats, kids, &c.

Cattle are the chief stock of a farm: they who deal in *cattle* are stiled graziers.

Stat. 28 Hen. VIII. cap. 13. For the encouragement of tillage, and to prevent the ingrossing of farms in a few hands, no man shall keep above two thousand sheep, at six score to the hundred, over and above what is necessary for his household; except it be upon his own proper estate, on pain of three shillings and four-pence for every sheep above that number; half to the king, and half to him that shall sue for the same in any court of record.

Stat. 2. Provided that lambs shall not be accounted sheep, so long as they be under the age of a year.

Stat. 3 and 4 Edw. VI. c. 19. f. 1. No person shall buy any ox, steer, runt, cow, heifer, or calf, and sell the same again alive, in the same market or fair, on pain of forfeiting double value; half to the king, and half to him who shall sue.

Continued infinitely by *3 Car. I. cap. 4.* And *16 Car. I. cap. 4.*

Stat. 5 and 6 Edw. VI. c. 14. f. 9. If any person shall buy any ox, runt, steer, cow, heifer, calf, sheep, lamb, goat or kid living, and sell the same again alive, unless to keep or feed the same for five weeks, he shall forfeit double value; half to the king, and half to him that shall sue in any court of record.

Stat. 10. The justices of the peace in sessions may determine the same, by inquisition, presentment, bill, or information, and by examination of two witnesses, and make process thereupon as upon indictments; and make estreats for the king's moiety, and award execution of the other moiety for the complainant, by *feri facias*, or *capias*, as the courts at Westminster may do.

Stat. 16. Provided that it shall be lawful to any person known for a common drover, being licensed, authorized, and allowed in writing by three justices of the peace (whereof one to be of the quorum) of the county, where such drover shall be most abiding and dwelling, to buy cattle in any such counties, where drovers have been wont in times past accustomedly to buy cattle at their free liberty and pleasure, and to sell the same at reasonable prices, in common fairs and markets, distant from the place where he bought the same, forty miles at the least, so that they be not bought by forestalling.

Stat. 17. Such licence shall not endure above one year.

Stat. 2 and 3 Phil. and Mar. c. 3. f. 2. Every person who shall keep above six score sheep, above what is for his household, shall for every three score shear-sheep, keep one milch cow; and bring up yearly for every six score shear-sheep, one calf; upon pain of forfeiting twenty shillings a month.

Stat. 3. And every person who shall keep above twenty oxen, runts, thrubs, steers, heifers, or kine, shall, for every ten of them, keep one milch cow yearly, and rear one calf for the space of one year (unless it die in the mean time) for every such two milch cows; on pain of forfeiting twenty shillings a month; one half of which said forfeiture shall be to the king, and the other half to him who shall sue in the sessions, or other court of record.

Made perpetual by *13 Eliz. c. 2. f. 6.*

Stat. 5 Eliz. c. 12. f. 4. No drover of cattle shall be licensed but in the sessions of the county where he dwells, and hath dwelt for three years last past; nor unless he be or have been a married man; and he be an householder, and not a household servant or retainer to any person; and of the age of thirty years at the least; and such licence shall be good only for one year.

Stat. 5. Which licence shall bear date of the day and place where the sessions shall be holden; and shall be signed and sealed by three justices present (whereof one to be of the quorum); on pain that every person who shall take any licence otherwise, shall forfeit five pounds, and the licence to be void.

Stat. 6. And the sessions may take bond and surety by recognizance, that they shall not forestall or engross, or do any thing contrary to this act, and the above act of 5 and 6 *Edw. VI. c. 14.* which licence shall be made and written by the clerk of the peace, for which he shall have one shilling, and for the recognizance eighteen-pence, and for registering the same four-pence; for which said fee he shall keep a register-book of the names and dwelling-places of the persons licensed, with an entry of the day, time, and place where the licence was granted; which book he shall have at the sessions.

Stat. 13 Eliz. c. 5. f. 10. No person shall be licensed to be a buyer of cattle otherwise than by *5 Eliz. c. 12.*

Stat. 7 Jac. I. c. 8. f. 2. The *stat. 2 and 3 Phil. and Mar. c. 3.* shall extend to all grounds apt for milch kine, and not to be laid open common at any time of the year.

Stat. 3 Car. I. c. 1. No drover with any cattle shall travel on the Lord's-day, on pain of twenty shillings, which may be levied by the constable or church-wardens, by warrant of one justice, on conviction on his view, or by confession, or the oath of two witnesses; one-third to the informer, and two-thirds to the poor.

Stat. 18 Car. II. c. 2. f. 1. Importation of cattle from Ireland and other places beyond the sea, is a public nuisance, and shall be so adjudged; and if any cattle shall be imported, it shall be lawful for any constable, tithingman, headborough, church-warden, or overseers of the poor, to seize and keep the same forty-eight hours, in some public

place where such seizure shall be made; within which time, if the owners or any of them shall make it appear unto some justice of peace, by oath of two witnesses, that the same were not imported from beyond the seas, the same shall be delivered; but in default of such proof, the same to be forfeited; one half to the use of the poor of the parish, the other to his use that shall seize the same.

Stat. 3. This act not to extend to the Isle of Man, so as the number to be imported shall not exceed six hundred yearly.

Made perpetual *32 Car. II. f. 2.*

Stat. 20 Car. II. c. 7. f. 3. Any inhabitant of the place where importation of cattle shall be, may take the cattle so imported, and after seizure shall deliver them to the constable, tithingman, headborough, church-wardens, or overseers of the poor, to be kept and disposed of in the manner in this act, and in the act *18 Car. II. cap. 2.* mentioned.

Stat. 4. If no seizure shall be made by the officers or inhabitants where such cattle shall be first imported, then such place shall forfeit one hundred pounds to the use of the house of correction.

Stat. 5. And the ships bringing cattle shall be forfeited, and any person may seize and sell them; half to the poor, and half to himself. And a justice of peace may by warrant apprehend the seamen, and all others concerned, and commit them to goal for three months.

Stat. 22 and 23 Car. II. c. 7. f. 2. If any person shall in the night-time maliciously, unlawfully, and willingly kill and destroy any horses, sheep, or other cattle, he shall be guilty of felony.

Stat. 3. But no attainder on this act shall make or work any corruption of blood, or loss of dower.

Stat. 4. And to avoid judgment of death, or execution thereupon, the offender may chuse to be transported to some of the plantations, to be mentioned in the judgment, for seven years.

Stat. 5. And if any person shall in the night time maliciously, unlawfully, and willingly maim, wound, or otherwise hurt any horses, sheep, or other cattle, whereby the same shall not be killed, or utterly destroyed, he shall forfeit treble damages, by action of trespass, or upon the case.

And three justices (one whereof to be of the quorum) may inquire by a jury and witnesses; and may issue warrants for summoning jurors, and for apprehending persons suspected, and take their examination, and cause witnesses to come before them, to give information on oath, so as no person to be examined shall be proceeded against for any offence concerning which he is examined as a witness, and shall make a true discovery: and if such witness being summoned, refuse to appear, they may commit him, till he submit to be examined upon oath.

Stat. 32 Car. II. c. 2. f. 3. Any person may seize cattle imported contrary to the statute *18 Car. II. c. 2.*

Stat. 5. And the seizer, within six days after conviction and forfeiture, shall cause some to be killed; and the hide and tallow shall be to the use of the seizer, and the remainder shall be distributed amongst the poor of the parish by the church-wardens and overseers, upon notice to be given them by the seizer.

Stat. 6. And the seizers, church-wardens, or overseers neglecting their duty herein, shall forfeit forty shillings for every one of the great cattle, and ten shillings for sheep and swine; half to the poor, and half to the informer, to be levied by distress and sale of goods, by warrant of a justice of peace where the offence shall be committed, upon confession of the party, view of the justice, or oath of one witness; and for want of distress, the offenders to be committed to the common gaol for three months, without bail.

Stat. 14 Geo. II. c. 6. f. 1. If any person shall feloniously drive away, or in any other manner feloniously steal, one or more sheep or other cattle, with a felonious intent to steal the whole carcase or carcasses, or any part or parts of the carcase or carcasses of any one or more sheep or other cattle that shall be so killed, or shall assist or aid any person or persons to commit any such offence or offences, he shall be guilty of felony without benefit of clergy.

Stat. 15 Geo. II. c. 34. Whereas it is doubtful to what sorts of *cattle* besides sheep the said act [*14 Geo. II. c. 6.*] was meant to extend; it is therefore enacted, &c. That the said act was meant and intended, and shall be construed, deemed, and taken to extend to any bull, cow, ox, steer, bullock, heifer, calf, and lamb, as well as sheep, and no other *cattle* whatsoever.

His majesty to make regulations for preventing the spreading of the distemper among the *cattle*, *19 Geo. II. c. 5.* *20 Geo. II. c. 4.* *23 Geo. II. c. 23.* *24 Geo. II. c. 54.* *25 Geo. II. c. 31.* *26 Geo. II. c. 34.* *27 Geo. II. c. 14.* *28 Geo. II. c. 14.* *28 Geo. II. c. 18.* *29 Geo. II. c. 28.* *30 Geo. II. c. 20.*

His majesty impowered to prevent the killing of cow-calfs, *22 Geo. II. c. 46. f. 26.* Regulations for the selling and driving *cattle*, *22 Geo. II. cap. 46. sect. 27. &c.* *30 Geo. II. c. 20.*

Stat. 31 Geo. II. c. 40. f. 4. No salesman, or other broker, or factor, employed to buy or sell *cattle* for others by commission or reward, shall by himself, or any servant or agent, directly or indirectly, on his own account, buy any live ox, bull, cow, steer, bullock, heifer, calf, sheep, lamb, or swine, in London, or within the limits of the weekly bills of mortality, or at any place whilst any such *cattle* shall be upon the road, or becoming up to be offered to sale, in London, or within the weekly bills of mortality (other than such *cattle* which such salesman, &c. shall purchase for the provision of his family, and shall use accordingly) and no such salesman, &c. shall sell or offer to sale on his own account in London, or within the limits of the weekly bills of mortality, by himself or his servant, or agent, any live ox, &c. upon pain that every person who shall so offend shall, every time he be convicted, forfeit double the value of any live *cattle* which he shall so buy or sell, on his own account, contrary to this act.

Sect. 15. On complaint on oath to any justices of peace of any offence against this act within his jurisdiction, such justice is to issue his summons to convene the person charged, and any witnesses for any of the parties, at a time and place in such summons specified; and if any one so summoned shall not appear, or offer some reasonable excuse for the default, then such justice shall issue his warrant for apprehending the party so making default within the jurisdiction of such justice; and upon the party complained against appearing, or being brought before such justice on his warrant, or in case the party complained against shall not appear on such summons being served on him, or left at his usual place of abode, and proof be made thereof before such justice, then such justice is to make inquiry touching the matter complained of by the oaths of any persons requisite, and to determine such complaint; and, upon confession or proof of one witness upon oath, to convict or acquit the party against whom complaint is made; and if the money forfeited be not paid on conviction, such justice shall issue his warrant for levying thereof within his jurisdiction by distress on the goods of such offender, and to cause sale to be made of such goods, in case the money forfeited, with the charges, be not paid within five days after such distress, rendering the overplus to the owner, after deducting the charges of distress and sale; and if any such offender have not goods within the jurisdiction of such justice, any justice within whose jurisdiction such offender shall be, shall issue a warrant, on the application of any informer, to apprehend such offender, and so commit him to some public prison or house of correction, of the county or place in which such offence is committed, for any time not exceeding one calendar month, nor less than ten days, unless such offender sooner pay the money forfeited: and if any witness refuse to be examined, he may be committed by such justice to some prison of the county, &c. where such witness so makes a default, for any time not exceeding ten days.

Sect. 16. If any person convicted of any offence punishable by this act, or for selling any truss of hay of less weight than the same ought to be, think himself aggrieved by the judgment of any justice, such person may appeal to the general or quarter-sessions of the peace of the county or place in which such conviction is made, next after such conviction, unless such next sessions be held within six days after such conviction, and then such person may appeal to the second general or quarter-sessions next

after such conviction; but the party so appealing shall, before such appeal be received, enter into a recognizance with two sureties, before such justice, in double the sum which such person is adjudged to forfeit, to prosecute such appeal with effect, and to abide the judgment of the sessions, and shall also give three days notice in writing of such appeal to, or leave the same at the usual place of abode of, the person who prosecuted to conviction the party so appealing; and the justices at such sessions are finally to determine such appeal, and to make such order, and award such costs as they deem meet; and the determination of such sessions on every such appeal shall be final; and no *certiorari* shall be allowed to remove any such proceedings or determination.

Sect. 17. One moiety of all money forfeited by this act shall be paid to the person prosecuting to conviction any offender, and the other moiety to the use of the poor of the parish where the offence is committed.

Sect. 18. Any inhabitant of the parish or place in which any offence is committed against this act, shall be a competent witness.

Sect. 19. If any action be commenced for any thing done in pursuance of this act, the same shall be commenced within six months after the offence committed, and shall be laid in the county or city where the offence is committed; and the defendant may plead the general issue; and if a verdict be found for the defendant, &c. the defendant shall recover treble costs.

By *5 Geo. III.* the free importation of all sorts of *cattle* into this kingdom from Ireland, is allowed during the space of seven years, and from thence to the end of the then next sessions of parliament.

CAUDEBEC, a sort of hats, thus called from the town of *Caudebec* in Normandy, where they manufacture a great many of them. They are made of lamb's wool, the hair or down of ostriches, or of camel's hair.

CAVALLO, a small brass coin of Italy, worth only the twenty-fourth part of a penny.

CAVAN, a measure used in some of the Philippine Islands, and especially Manila, for measuring rice, and other corn, pulse, containing fifty Spanish pounds.

CAVIAR, **CAVEER**, or **CAVIARY**, the spawn, or hard-roe of sturgeon, made into small cakes an inch thick, and of a hand's breadth. These are salted and dried in the sun. The Italians settled at Muscovy drive a very great trade in this commodity throughout that empire, because there is a prodigious quantity of sturgeons taken at the mouth of the Wolga, and of the other rivers which fall into the Caspian-Sea.

After the *caviar* has been salted and dried, it is sent up that river to Muscovy, whence it is distributed throughout all Russia; and is in great esteem by the Muscovites, because of their three lents, which they keep with a superstitious exactness.

There is also a pretty large quantity of it consumed in Italy; and they begin to be acquainted with it in France, where it is reckoned no despicable dish at the best tables.

The French and Italians get the *caviar* from Archangel, a port in Muscovy; but they seldom get it at the first hand: they commonly buy it of the English and Dutch, but especially of the latter, who drive the greatest trade in Muscovy.

Good *caviar* should be of a reddish brown and dry. It is eat with oil and lemon-juice.

The best *caviar* of Muscovy is made with *bullucca*, a fish from about eight to ten feet long, which is caught in the Caspian-Sea. This *caviar* is by far preferable to that which is made of the sturgeon's roe, and is delicious when fresh made.

There is likewise a great deal of *caviar* brought from the black-Sea, particularly from Asoph and Kilia, two towns of great trade; the one situated at the mouth of the Tanais, or Don, and the other near the mouth of the Danube. This *caviar* is made of the hard-rows of several fishes, particularly of the sturgeon. That which is sold at Constantinople comes chiefly from Asoph, from whence there is sent, one year with another, to that capital of the Turkish empire, about ten thousand butts or hogheads, each butt weighing seven quintals and a half.

CAXA. See **CAS.**

CAYENNE is the only settlement the French have in South-America, except some habitations they possess on the coast of Surinam, and the river of Amazons, which form a sort of government of more than a hundred leagues.

The Isle of Cayenne that gives name to this government, and takes it from a river whose two branches separate it from the *Terra Firma*, lies in the latitude of four degrees forty minutes, a hundred leagues from the great river of the Amazons: it is seventeen leagues in circuit, of which five are bathed by the sea, and the rest by the two branches of the river aforesaid: and has been successively possessed by the English, French, and Dutch, though the French have finally remained masters of it ever since 1677. Its chief products are sugar, rocou, indigo, cotton, and vanillas; and the commodities sent here from France, are principally flour, wine, brandy, linens, stuffs, quicksilver, hardware, and, above all, salt-meat. The inhabitants, exclusive of the soldiers and slaves, are about twelve or fifteen hundred men, spread in the different habitations above-mentioned, of which the chief, composing a small town of two hundred houses, with three hundred and fifty whites, is below Fort Louis, where the warehouses are kept.

CAZEMBAZAR. See BENGAL.

CEDAR. The *cedar* of Mount Libanus (or Lebanon, as it is called in our English translation of the Bible) is famous in the Holy Scripture. This is reckoned one of the first and largest trees in the world: it grows to a prodigious height; is thick, strait, and raised pyramid-wise; its bark is even and smooth; its wood very hard, beautiful, solid, inclining to a brown colour, and, as it were, incorruptible. The *cedar-tree* pushes out branches at the distance of ten or twelve feet from the ground. They are large, and at a distance from each other. Its leaves are pretty much like those of rosemary: it is an ever-green, and lives very long, but dies as soon as its top is cut off. The leaves stand upright, and the fruit hangs down; that fruit is a small cone, like that of the pine-tree, except that its rind is thinner, smoother, and more open. The seed is like that of the cypress-tree.

During the hottest season of the year, there runs naturally, and without any incision, from the trunk and large branches of this tree, a white, clear, and transparent resin, which is called *cedar-gum*, or *maslicine-manna*, which hardens and forms itself into grains like mastic. The largest trees do hardly yield six ounces of it a day.

When the gum has done running of itself, they make incisions into the tree, from whence issues afterwards an unctuous liquor, which dries as it runs along the trunk of the tree. This is the *resin of cedar*, sold at the drug-shops; it is of a fine yellow colour, friable, lucid, transparent, and of a good smell.

Lastly, the *cedar* furnishes also a third sort of drug, called *turpentine*, or *resin of cedar*: it is a liquor clear, like water; of a strong penetrating scent, contained in small bladders or vesicles, which the excessive heat of the sun causes to rise on the trunk of the tree.

The wood of this famous tree is accounted proof against all putrefaction of animal bodies. The saw-dust is thought to be one of the secrets used by the mountebanks, who pretend to have the embalming mystery. This wood is also said to yield an oil, which is famous for preserving books and writings; and the wood is thought, by lord Bacon, to continue above a thousand years sound.

This sort of timber is very dry, and subject to split; nor does it well endure to be fastened with nails; therefore pins of the same wood are much preferable.

Dampier tells us, in his *Voyages* (vol. i. p. 29.) that there are *cedars* in St. Andreas, a small uninhabited island, near that of Providence, to the westward of it, in 13 deg. 15 min. north latitude, and from Porto-Bello north-north-west, about seventy leagues. Jamaica also is well stored with *cedars* of its own, chiefly among the rocky mountains. Those of St. Andreas grow likewise in stony ground, and are the largest that ever Dampier knew, says he, or heard of; the bodies alone being commonly forty or fifty feet long, many sixty or seventy, and upwards, and of a proportionable bigness. The Bermudas are also well stored with them; so is Virginia, which is generally a sandy soil. Our author saw none in the East-Indies, nor in the South-

Sea, except on the isthmus of Panama. There is also plenty of strait large *cedars* in the Marias, three uninhabited islands in north latitude, 21 deg. 40 min. forty leagues distant from Cape St. Lucas in California.

They make in America periagoes and canoes of *cedar*, and these are the best of any: they are nothing but the tree itself made hollow boatwise, with a flat bottom; the canoe is generally sharp at both ends, and the periago at one only, with the other end flat. But what is commonly said of *cedar*, that the worm will not touch it, is a mistake; for our author asserts, that he has seen of it very much worm-eaten.

As Dampier has given us no particular description of the *cedars* he mentions, we cannot determine whether they be of the same kind with those of Mount Libanus, or with those mentioned in the next article.

CEDAR of Phœnicia, otherwise called *small cedar*, *oxycedrus*, is a kind of *cedar*, which grows in Phœnicia and Cilicia; it is pretty much like the juniper-tree, for which reason some give it that name.

There are three sorts of this tree, according to Lemery, which have different names in Latin. The trunk and branches of the first sort are crooked and knotty, its wood is reddish, and yields a smell like that of the cypress-tree; its leaves are narrow, pointed, tougher, and sharper than those of the juniper-tree, always green, and like those of the cypress-tree. Its catkins have several small scales, and at the foot there are some membranaceous pods, or pods, full of dust. The fruit grows upon the same foot with the catkins, but at a distance from them; it is a berry, which, as it ripens, grows yellow, somewhat fleshy, odoriferous, of a pleasant taste, each of which contains commonly three ligneous and hard stones, round at top, and flattened on the other side; each stone includes an oblong seed. In hot countries, there issues from this tree a gum, which is called *vernix*.

The second kind, call *cedrus minor altera*, differs from the first in this, the tree is not so tall, and the berries are larger.

The third species is called *cedrus Hispanica procërior, folio maximo*. The taller Spanish *cedar*, with very large leaves. It grows much higher than the other sorts; its berries are larger, and of a black colour.

These *cedars* grow in hot countries, and in the plains along the Mediterranean, in Italy, Spain, Provence, and Languedoc. They are ever-greens; their wood is odoriferous; their leaves are good for the stomach; and their berries, which are called *cedrides*, are a cordial.

They extract from the *cedar-wood*, by the retort after the common manner, a black oil, which is thought to be the true oil of *cada*, otherwise called *cedria*; instead of which, as it is very scarce, they use the oil extracted from the large and small juniper-tree, or the clear oil of the pitch, which has kept the name of oil of *cada*. The true oil of *cada* is a sovereign remedy for the cure of morphew; it is likewise used with good success for curing the scab, or itch, in horses, oxen, or other cattle.

From the trunk of the *oxycedrus* is extracted, by incision, a very clear and transparent gum, which is the *true sandarac*, but is seldom to be met with in France, or elsewhere, where they substitute in its stead the gum of the juniper-tree.

CEDRA, or CEDRAT, a kind of citron-tree, the fruit of which has a very agreeable smell. That name is also sometimes given to the citron it produces.

These trees grow plentifully in Italy, where they make a liquid comfit with the small citrons, or *cedrats*, which they preserve entire, and a dry sweet-meat with the large *cedrats*, which they cut into quarters to preserve.

Cedrat-water, which is in high esteem in France, on account of its excellent perfume, and perhaps too because it is very scarce, is made with the zests, or small thin pieces, cut from the surface of the peel of the fruit, before it be quite ripe; by squeezing these zests they express the juice out, which they receive on a piece of glass, from whence it runs into some vessel that is held under it. Some call it *Barbadoes-water*, but improperly: for *cedrat* is the pure juice of the citron, or lemon-peel; whereas *Barbadoes-water* is a mixture of brandy, or other spirits rectified, and not the pure *cedrat-water*, or juice.

CELDRA, a certain measure among the Scotch, called by them a *chaldar*: whence our *chaldron* of the Scotch and Newcastle coals.

CELEBES. See MOLUCCA ISLES.

CEMENT, a name given by architects to that substance put betwixt the stones of buildings for fixing and securing them. That tenacious matter or paste, commonly used by mechanics for making one body adhere to another, is also called *cement*. The matter used by chemists for the joinings of their vessels, is by some also called *cement*, but more generally *lute*.

The *cement* used by the metallurgists and assayers of metals, by the assistance of which the cementary calcination of metals, as it is called, is performed, is prepared of the dust of the reddest bricks, crocus of Mars, crocus of Venus, plumous allum, vitriol, salt, blood-stone, nitre, sulphur, sal ammoniac, sal gemmæ, and some other ingredients. This powder, either dry or moistened with vinegar, urine, or some other liquor of a like nature, is alternately sprinkled upon plates of metal, either with an intention of corroding, depurating, or exalting. These metal plates are committed to a box or pot, called from its use, *cementatory*. A crucible may also be used for this purpose. The vessel, carefully covered, is put upon the fire, which is not to be raised to that degree of heat as to melt the metal, but only so far as to put the corrosive salts in action, for corroding the prepared metal from which the lamina are intended to be purged.

CENSAL, a word used on the coast of Provence in France, and in the ports of the Levant, signifying the same thing with the word *broker*; that is, one whose business is to procure to merchants and traders the buying and selling of their commodities, and who intervenes also sometimes in other mercantile transactions, as negotiating bills of exchange. See AGENT, and BROKERS.

The merchants and traders commonly pay one half *per cent* to the *cenfal* for brokerage.

Most of the *cenfals* of the Levant, particularly they who act as brokers at Grand-Cairo, are Arabs by nation. The contracts they make between the European merchants and those of the country, are entirely carried on with shew and grimace: it is a perfect comedy, when the *cenfal* would oblige an European merchant to pay to his countrymen the price demanded at first for any commodity, or, at least, to abate very little of it.

When the European has made his offer, which is always below the price demanded by the seller, the Arabian *cenfal* pretends to fall into a violent passion, he brawls and howls like a madman, or enthusiast, and comes up to the merchant as though he would seize him by the throat, and strangle him, though he never touches him. In case this first scene does not succeed to his wishes, he quarrels with himself, tears his cloaths, beats his breast soundly with his fist, and, rolling himself on the ground, he cries out like a *furijs*, that an honourable merchant is insulted, that his wares were not stolen, to be so unconscionably undervalued, and disposed of at so low a price. Finally, as the European merchant, who is used to that burlesque way of trading, continues sedate and unmoved, and keeps to his first offer, the *cenfal* becomes quiet also, and, giving his hand to the merchant, embraces him very close, as a token that the bargain is struck, and concludes the farce with saying, *Halla quebar, Halla quebir*, i. e. *God is great, God is very great*: which words he pronounces with as much coolness and tranquillity, as though he had not just before counterfeited all the contortions and howlings of a man possessed with an evil spirit.

CENT, signifies properly a *hundred*, being an abridgment of the word *centum*; but it is often used in commerce to express the profit or loss arising from the sale of any commodity: so that when we say, there is ten *per cent*, profit, or ten *per cent*, loss, upon any merchandize that has been sold, it is to be understood that the seller has either gained or lost ten pounds on every hundred pounds of the price, at which he bought that merchandize, which is one-tenth of profit, or one-tenth of loss, upon the total of the sale.

To gain one hundred *per cent*. (or *cent. per cent.*) in trade, is the doubling of one's capital: to lose fifty *per cent*. is to lose one half of it.

CENT is also used in the trade of money, and signifies

the benefit, profit, or interest of any sum of money, which is laid out for improvement. Thus we say, money is worth four or five *per cent*. upon exchange; that is, it brings four or five pounds profit for every hundred pounds laid or lent out.

CENT is also used with regard to the draughts, or remittances of money, made from one place to another. Thus we say, it will cost two and a half *per cent*. to remit money to such a city.

When we say that a broker, or exchange-agent, takes one-eighth *per cent*. fee or perquisite, for the contracts or bargains that are made by his means and interposition, it is to be understood that there is to be paid to him the eighth part brokerage of a pound, which is two shillings and sixpence for every hundred pounds he caused to be negotiated. The one eighth *per cent*. is commonly paid by both the contracting parties; that is, by him who gives, and by him who receives, the money; so that the brokers get two-eighths or one-fourth *per cent*. for every bargain, which amounts to five shillings, or one-fourth of a pound, for every hundred pounds, and two pounds ten shillings for every thousand pounds.

When an agent, or factor, sets down at the bottom of an invoice, which he sends to his principal, two *per cent*. commission, it signifies that he takes, or charges for his trouble in transacting the business, and advancing his money so many times two pounds as there are hundreds of pounds in the sum total of the invoice; that is, both on the principal price of the commodities bought, and on the charges and expences incurred on account of the same, as duties paid, portorage, package, postage of letters, &c.

In books, and other writings of merchants, bankers, and traders, the so much *per cent*. is set down by abbreviation: for instance 2 p^r $\frac{1}{2}$, or 2 p^r c^t, which signifies 2 *per cent*.

CENTAURIUM MINUS, in botany, the *lesser centaury*.

There are two plants described by botanical writers under the common name of *centaurium*, but distinguished by the addition of *major* and *minus*; they are extremely distinct from one another, and indeed belong to two different classes. The greater *centaury*, however, is at present wholly rejected from our shops, and the small one, *centaurium minus*, alone retained there.

The flowery tops of *small centaury* are intensely bitter, and are the part to be used in medicine; they are attenuating and resolvent, and are good against all collections of viscid humours, and obstructions of the viscera. It restores a decayed appetite, and promotes digestion. It is good in all chronic cases, and will often cure intermittent fevers without any further assistance. It promotes urine and the menses, and is remarkable for opening the hæmorrhoidal veins, and forcing the accustomed discharges that way, when they have been by any accident suppressed and impeded. The tops are best infused in wine for these purposes, and a moderate glass drank by way of a dose twice a day. Rulandus affirms, that all intermittent fevers may be cured by this plant, after a vomit has been given: but this is flying too much. We are to observe, however, that persons cured by medicines of this kind, which attack the very essential cause of the disease, are less subject to relapses than those cured by any other means.

CERAM. See MOLUCCA ISLES.

CERATIQUE. See AFRICAN COASTS under *Senegal*.

CERTIFICATES for Irish wool, how made. See SHIPS.

CERTIFICATES, granted to bankrupts, from what debts free them. See BANKRUPTCY.

CERTIFICATES for foreign goods exported. To export goods by *certificate*, which must be foreign goods formerly imported, and on which a part of the customs paid on importation is drawn back, provided they are exported in the time limited by act of parliament, it is not sufficient only to mention the marks, numbers, and contents, as commonly practised in the entries outwards, but also the name of the ship in which the goods were imported, the importer's name, and time of entry inwards; and make oath, that the entries for those goods were paid, or secured to be paid, as the law directs: after you have made an entry in this manner, you are to carry it to the collector and comptroller,

troller, or their deputies, who, after examining their books, will grant a warrant (a specimen of which is here annexed) which must be given to the surveyor, searcher, and land-waiter, for them to certify the quantity of goods; after which the *certificate* must be brought back to the collector and comptroller, or their deputies, and oath made, that the said goods are really shipped, and not landed again in any part of Great-Britain. This done, they set down in words at length, on the back of the debenture, and then in figures on the same side, the sum in each particular part of the duties, and subscribe jointly to the whole. By virtue of this debenture, the exporter may, in one month after the ship's departure from Great-Britain, demand his drawback; and if the collector has not money in his hands to pay the debenture, he is to certify the same on the back of the debenture, that the exporter may have recourse to the commissioners, who are then to pay him. Suppose that H. V. merchant of London, exports twenty-three dozen of napkins, Holland's making, and two hundred and thirty-two ells of Holland, which he imported before from Amsterdam; he makes his entry in the following manner, viz.

London, May 7, 1766.

In the Goodfellow, Samuel Johnson, for Barbadoes.

H. V.

H. V. One box, containing twenty-three dozen of napkins, Holland's making, and one bundle, containing two hundred thirty-two ells of Holland, imported the 20th of April last, in the Dragon, of London, Samuel King master, from Amsterdam; the old subsidy, new subsidy, third subsidy, and additional duty, paid by the said H. V. the 20th of April last.

H. V.

The collector and comptroller, or their deputies, give a warrant of the same tenor, signed by them, and directed to the surveyor and land-waiter; after which you have a cocket after the following manner.

London,

Know ye, that H. V. merchant, for twenty-three dozen napkins, Holland's making, and two hundred thirty-two ells of Holland, paid all the duties inwards the 20th of April last, out of the Dragon of London, Samuel King, master, from Amsterdam, late unladen, and now in the Goodfellow, of London, Samuel Johnson, master, for Barbadoes. Dated the 7th of May, 1766.

A. R. Collector,
C. D. Comptroller.

And on the back of the cocket is endorsed as follows; the contents of the goods shipped, two hundred thirty-two ells of Holland, twenty-three dozen napkins, Holland's making.

E. V. Surveyor,
A. L. Searcher.

The DEBENTURE runs in the subsequent form.

H. V. Ind. did enter with us, the 20th of April last, in the Dragon, of London, Samuel King, master, from Amsterdam, twenty-three dozen napkins, Holland's making, and two hundred thirty-two ells of Holland; the old subsidy, new subsidy, third subsidy, and additional duty, being paid inwards, by H. V. merchant, the 20th of April, 1766, as doth appear by the *certificate* of the collector inwards; and for further manifestation of his just dealing herein, he hath also taken oath before us for the same. Customhouse, London, the day and year above-written.

A. R. Collector,
C. D. Comptroller.

Furat. H. V. that the two hundred thirty-two ells, and twenty-three dozen napkins above-mentioned in this *certificate*, were really shipped, and have not been since landed, nor are intended to be relanded, in any port, or creek in Great-Britain. The 7th of May, 1766.

A. R. Collector,
C. D. Comptroller.

H. V.

The twenty-three dozen napkins, and two hundred thirty-two ells of Holland, were shipped off at Dice-key, May 7th, 1766.

E. V. Surveyor,
A. L. Searcher,
I. K. Land-waiter.

On the other side it is wrote thus:

	l.	s.	d.
One moiety of the old subsidy, two pounds,			
seven shillings, and two-pence farthing	2	7	2½
New subsidy, four pounds, fourteen shillings,			
and four-pence three-farthings	4	14	4½
The third subsidy, one pound, eleven shillings,			
and five-pence half-penny	1	11	5½
Additional duty, two pounds, seven shillings,			
and two-pence half-penny	2	7	2½
	11	0	3

When the money is received on this debenture, a receipt may be given in the following form, viz.

Received, June the 12th, 1766, of the honourable the commissioners of his majesty's customs, by the hand of A. R. collector, the sum of eleven pounds, and three-pence, for the above debenture.

per H. V.

CERTIFICATES of surplussage of customs. When goods are weighed or measured, and the merchant has got an account thereof, and finds his entry already made too small, he must make a post-entry for the surplussage in the same manner as the first was done.

And as a merchant is always in time to make his post, he should take care not to over-enter, to avoid as well the advance as the trouble in getting the overplus back; however, if this is the case, and an over-entry has been made, and more paid or bonded for customs than the goods really landed amount to, the land-waiter and surveyor must signify the same, upon oath made, and subscribed by the person so over entered, that he, nor any other person to his knowledge, had any of the said goods over-entered on board the said ship, or any where landed the same without payment of custom; which oath must be attested by the collector and comptroller, or their deputies, who then compute the duties, and set down on the back of the *certificate*, first in words at length, and then in figures, the several sums to be paid; which *certificate* and endorsement are as follow:

The CERTIFICATE.

These are to certify, that J. F. did pay his majesty's duties inwards in the Dolphin, Thomas Wheeler, master, from the Sound, the 9th day May, 1766, for a hundred and twenty-four ton of iron, thirty-five hundred and an half of copper in plates, and eight hundred clap-boards; and we the officers underwritten did examine the same at the delivery thereof out of the said ship, and found no more than a hundred and eighteen ton of iron; thirty-three hundred weight of copper, and seven hundred and sixty-three clap-boards: and for further manifestation of the truth hereof, he made oath, that neither he, nor any other person, to his use or knowledge, had any of those goods over-entered on board the said ship, or in any place landed them without paying customs. Dated at the Custom-house, London, the 14th day of May, 1766.

W. B. Surveyor,
H. S. Land-waiter.

Furat. I. F. that the contents of the above-mentioned *certificate* are true.

J. F.

The endorsement, with a supposed sum for a true one.

	l.	s.	d.
One moiety of the old subsidy, three pounds ten shillings and nine-pence farthing	3	10	9 $\frac{1}{4}$
New subsidy, seven pounds one shilling and six-pence three-farthings	7	1	6 $\frac{3}{4}$
The third subsidy, two pounds seven shillings and two-pence farthing	2	7	2 $\frac{1}{4}$
Additional duty, three pounds ten shillings and nine-pence three-farthings	3	10	9 $\frac{3}{4}$
	16	10	4

N.B. This over-entry will be paid in course, though it is sometimes two, three, or more months first. See ALLOWANCE, BOUNTY.

CERUSSE, or *white-lead*, a sort of calx of lead made by exposing the plates of that metal to the vapour of vinegar.

The best way of preparing it is the following, 'which is that recommended by the learned Boerhaave: Take a large cucurbit, cut in such a manner as to leave a very large mouth, to which fit an alembic head of glass. Pour some sharp vinegar into the body, and place a number of thin plates in the head, in such a manner that they may stand somewhat erect. Lute on the head, and place the body in a gentle sand-heat for twelve hours; then take out the fire, and when it is cold, unlute the vessels, and in the receiver, which was applied to the nose of the alembic, there will be a sweet and styptic liquor, nauseous and turbid, called vinegar of lead, or solution of lead; and the lead plates, being taken out and gently dried, will grow white, and be covered with a white powder, which being gently brushed off, is called *cerusse*; and if this operation be repeated a sufficient number of times, the whole body of the lead will at last be converted into this white-powder, which is perfectly insipid and inodorous.

The *cerusse* is used externally, either mixed in ointments or by sprinkling it on old gleetings and watery ulcers, and disorders of the skin. If, when it is reduced to a fine powder, it is received in with the breath in inspiration, and carried down into the lungs, it causes terrible asthma, that are almost incurable, and generally at last prove fatal. If it is taken in at the mouth and swallowed with the spittle, it produces the worst kinds of disorders in the viscera, languors, weakness, pains, with intolerable oppressions, and, in the end, death itself. Sad instances of the very pernicious effects of this metal are too often seen among those persons who work lead in any form, but particularly among the workers in white-lead. *Boerhaave*.

The Venetian *cerusse* is esteemed the best sort of all, yet there is the least consumption of it, which is owing, perhaps, to its being very dear. They use at Paris, and in all France, as well as in other foreign countries, hardly any other *cerusse* but that of England and Holland. The former is the worse sort, the latter is something better. They are both made with white lead and white chalk; and the chalk of England being less white, and the English mixing more of it with the *cerusse* than the Dutch do, is the reason of their different degrees of goodness. To judge of its quality, it must be chosen very white, both within and without, fine, clean, soft, and friable. That is the worst kind which breaks the easiest, as wanting the due texture and adhesion.

CESSION of effects, forms part of the commercial policy of France, which all persons who trade to that country ought thoroughly to understand. It means a total relinquishment and delivering up of all effects real and personal by a merchant to his creditors, to free himself from all actions and prosecutions on their part. This *cession* is of two kinds, *voluntary* or *forced*.

The *voluntary cession* is a contract made between a debtor and his creditors before a notary public, by which the debtor yields and abandons to his creditors all his effects, on condition that they shall give him a final and total discharge.

This contract must be agreed to and signed by three fourths of the principal creditors; and must then be registered in the chamber of commerce to render it valid.

The *voluntary cession* frees the debtor from all demands of his creditors, upon any future estates or effects he may acquire; but by the custom of France, though this contract has passed ever so privately, the debtor cannot aspire to any public employment, or office of trust or profit till he has made good the deficiency of his effects, to the full discharge of his debts, and has obtained in consequence thereof, *Letters of Rehabilitation*.

The *forced or judicial cession*, differs but little from the form of bankruptcy in England, except that it is accounted more infamous; the person of the debtor is discharged, after public notice has been given at the town-hall of the entire *cession* and *abandonment* of his effects, in consequence of the king's letters admitting the debtor to the benefit of a *forced cession*, which benefit appears to be no other than the security of his person from arrest; for if he acquires new effects, his creditors are at all times authorized to seize them for payment of their debts, leaving him only a bare subsistence.

In a word, the *voluntary cession* is deemed in effect a bankruptcy, but it is not infamous, and in general is deemed the safest and most prudent method of accommodating matters with a French merchant in case of failure, where no fraud is suspected.

CEYLAN. This island, called also by some *Ceylon*, is seated in the Indian-Sea, at forty-five leagues east from Cape Comorin. Its length is about eighty leagues (being between the sixth and eleventh degree of latitude) its circumference more than two hundred, and it is supposed to be the Tabrobanz of the ancients.

The Portuguese discovered it in 1506 or 1509, but they could only settle on the coasts, without having ever been able to penetrate into the country; they enjoyed their conquest, and the cinnamon trade for more than a century, when the Dutch having began to make themselves known in these parts in 1602, soon after seized on Gale Point, and successively made themselves masters of all the other forts, till they had chased the Portuguese entirely from the isle in 1657, by the capture of Columbo, the finest and strongest of all their cities, not only in *Ceylan*, but in all India. This conquest was made with the assistance of the king of Candi; and one clause in the treaty was, that this place should be put into his hands; but the Dutch having thought it more for their interest to keep it themselves, were soon embroiled with their new ally, and from that time to this the concord is nothing better between them, than it was before between the Cingales (or Cingalais) and the Portuguese, the former being prohibited on pain of death to have any commerce with the Dutch, though this must be understood of the mountaineer Cingales, who belong to the king of Candi, and not the maritime ones, as these are the Hollanders subjects.

The French, in 1672, attempted an establishment in this island, and the king of Candi, who would have been pleased to oppose them to the Dutch, as he had before done these against the Portuguese, granted them by treaty the port of Cottiar, seated on the bottom of Trinquemale Bay, in the eastern part of the isle; but the enterprise of St. Thomas, in which admiral Deshayes lightly engaged the French squadron then under his command, hindered his supporting this settlement that he had begun, and the war which was then declared between France and the states-general, having afforded opportunity and time to the Dutch for displacing the French, they remained in their first possession, that is, sole masters of the coasts and cinnamon-trade, but always ill with the mountaineer Cingales, who continually reproach them with their infidelity.

The principal places the Dutch have on this island's coast, which they entirely possess, (except some to the westward) are Columbo, the capital of them, and the governor's residence, Negambo Matura, Gale, Calature, Batecalo, and Trinquemale, two forts to the east, besides several habitations.

They have also the Isle of Manar, and the kingdom (or large Peninsula) of Jaffanapatnam, both to the north. The commodities commonly found in *Ceylan*, and which are collected with very little trouble, are long pepper, cotton, ivory, many medicinal and dying roots and drugs, cardamoms, silks, tobacco, ebony, excellent wood for building, lead, betel, areca, (the best in India) wild honey,

ney, mufk, wax, crystal, faltpetre, brimftone, fugar, curcuma, (a root for medicine and dying) rice, (of which the Dutch carry large parcels to the coaft of Coromandel) iron, fteel, copper, gold, filver, and all forts of precious ftones (except the diamond) cinnamon and elephants.

Though all thefe commodities abound in the Uplands, fubject to the king of Candi, the Dutch have them not in fuch plenty, and but few of them, except the cinnamon, when the Cingalais do not dare to venture on a breach of the prohibition for their trading with the Hollanders; it is therefore principally with this aromatic that the Dutch fupport their traffic here, and it is not the whole ifle that produces it equally, here being many places where but little grows, and more where there is none at all. That called the Cinnamon-field or ground, which belongs entirely to the Dutch, is from Negambo to Galiectis (a village three leagues to the eaft of Fort Mature) which comprehends a part of the western and fouthern coafts of the ifle. The beft cinnamon is that in the neighbourhood of Columbo and Negambo; that of Gale Point is alfo very good, and the reft but middling; it is diftinguifhed into three forts, viz. the fine, middling, and coarfe, of which the young trees produce the fine, and of a worfe quality in proportion to their age, though the bark at leaft muft be two or three years old. This tree multiplies greatly and almoft without culture; but the Dutch hinder their encrease, to make this precious bark more fcarce and valuable.

The cinnamon-tree comes very near in characters to the laurel, that is, in flower and fruit, and the natives fuppofe that there are five different forts; fome diftinguifhed by their fmell and tafte, and others by their component parts; among which is one that fmells ftrong of camphire, and another with a thorny trunk and branches. The feafon for barking and getting in the crop, is June, July, or Auguft, and it lafts three weeks or a month, according to the quality gathered; between three and four thoufand people are employed in it, all of them enrolled, and difciplined with as much exactnefs as regular troops, that they may perform their different functions unconfused.

Next to the advantage arifing from this commodity, the Dutch reap the greateft from areca and elephants, (which the natives breed and hunt for) by transporting them to feveral parts of India, where the firft fell in preference to any other, and the latter will fetch from fifty to eighty pounds fterling each.

CHAIR-CARVER. The boy defigned for the bufinefs of a *chair-carver* ought to have a tafte for drawing, and fome skill in the practice of it. The *chair-carver* is employed not only in carving chairs, but alfo bed-pofts, tefters, and any other furniture that paffes through the hands of the upholfterer and cabinet-maker; by whom he is generally paid by the piece, according to the pattern of the work; and may earn thirty or forty fhillings a week. The mafters take from ten to twenty pounds with an apprentice. As a tafte for carved work in chairs and other furniture prevails, the ingenious men among thefe kind of carvers are never out of bufinefs.

CHAIR-MAKER. The *chair-makers* formerly ufed to deal in nothing but chairs, and were frequently employed by the cabinet-maker or upholfterer; but now they keep large fhops themfelves, and fell almoft all kinds of houfhould goods; fuch as tables, chefts of drawers, looking-glaffes, &c. as well as chairs of all forts. It is a very good bufinefs; and a foher ingenious man need not fear employment. They make the frames of all kinds of chairs, and employ other hands to bottom them, with velvet, filk, ftuff, leather, or matting; cane being now entirely out of ufe.

The boys defigned for this trade ought to be ftrong and ingenious; the work is pretty labrourous; they are employed from fix to nine; and muft have at leaft ten or fifteen pounds given with them apprentice. When out of their time they can get fifteen fhillings a week. A mafter requires fome hundreds to enable him to fet up and furnifh a handfome fhop.

CHALCANTUM. See **VITRIOL.**

CHALCITIS. A metalline recement. It has been greatly difputed among the writers on the *Materia Medica*, what the ancient *chalchitis* was, whether a native or a factitious fubftance: fome affirm it to be common *colcothar* of vitriol; others, a native, red, vitriolic venereal mineral. But the accounts that are handed down to us concerning

this mineral are fo various, that nothing certain can be determined about it. What feems chiefly to have influenced moft writers to call *chalchitis* a venereal vitriol is its Greek name *χαλκίτης*, which they derive from *χαλκος*, copper. But this difficulty will foon vanifh, when we confider that the ancients imagined all vitriols to proceed from copper; and therefore named them accordingly.

If we were to reafon from the propriety of names, we might fuppofe our common copperas to be made from copper, though common experience teaches us quite otherwife. The German mineralifts, though remarkably accurate in affixing proper appellations to mineral fubftances, ftill retain the old, though improper, name of *kupffer-waffer*, for all forts of vitriol, whether they proceed from copper or iron. Henkel is of opinion, that common green vitriol, well purified, and perhaps calcined to whitenefs, is either the *chalchitis* itfelf, or the beft fubftitute for it; and in this opinion he has been followed by fome later writers. His conjectures are deduced from the effects unanimofof attributed to the ancient *chalchitis*, which by no means agree to any fubftance, natural or artificial, whole bafis is copper, but are the conflant and known effects of fuch matters as contain iron. *Lewis.*

CHALDRON, or *chaldron* of coals, contains thirty-fix bufhels of coals, heaped up, and according to the fealed bufhel, kept at Guildhall, London, for that purpofe. 16 and 17 *Car. II. cap. 2.* It fhould weigh two thoufand pounds weight.

CHALK, one of the earths which, among the ancients, took its name from the place whence it was ufually fent; namely, the Ifland of *Crete*, and accordingly called by them *terra Cretica*, and thence, by corruption, *Creta*: yet the *chalk* of *Crete* was the fame with the *chalk* of England.

It is the hardeft and firmeft of all the earths of this clafs; it is of the number of thofe which break with equal eafe in any direction, and which are rough to the touch, have dufty fufaces, and ftain the hands. It is heavier than almoft any other of the medicinal marles, and in its general ftate, is the pureft of any. None of them ferment fo briskly with acids; none of them fo readily calcine in the fire, and none are fo long in difuniting in water. *Chalk*, if examined in the feveral parts of the world, may only in the feveral parts of this kingdom, will be found in all the degrees of hardnefs, from fuch as will crumble on the lighteft touch, to what is as hard as abfolute ftone.

In all thefe feveral ftates, however, it fhews itfelf to be true *chalk*, by answering in the fame manner to the fame tefts in all. The fineft we are acquainted with is that about Northfleet near Gravelfend; and when it is intended for medicinal ufe, it is the cuftom to chufe that fine part which has filled the *echini marini*, which are found foftile in thofe pits in great numbers, and thence vulgarly called *chalk-eggs*.

We are acquainted with nothing that is a more ready cure for the heart-burn and other complaints, which arife from a too great acidity of the juices of the ftomach. And it has been given by many in catarrhs, where an acrid and fharp rheum is troublefome, with good effect. By long repeated ufe of chalk in cafes of worms, and in hæmorrhages not over violent, but fubject to frequent returns, there has been a great deal of good done by it. When milk, whether afles or crows, is fubject to be curdled by the too great acidity of the ftomachic juice, chalk is as good as all the teftaceous powders in the world to remedy that inconvenience: and finally, in moft cafes, where pearls and coral are expected to do fervice, this cheap medicine will do more.

In cafes of the heart-burn, it is beft swallowed dry in powder mixed with fugar: on other occafions it may be given in almoft any form; but for whatever purpofe in medicine it is intended, it ought to be reduced to as fine a powder by levigating, as the other abforbent powders are. Its dofe is from four or five grains to a drachm.

In diarrhæas a decoction of chalk, made in the manner of the common hartshorn-drink, is a much better medicine; if a proper quantity of gum-arabic be added to this decoction, it gives a thicknefs and tenacity to the liquor, which makes it fupport a great part of the finer particles of the chalk and appear milky; and when fweetened, is a very pleafant, as well as a very efficacious medicine. *Hill.*

CHAMBERS of commerce, are assemblies of merchants and traders established by virtue of letters-patent from the sovereign, or in consequence of particular privileges and immunities granted to different maritime and trading towns.

France is most remarkable for the number and wise regulations of her *chambers of commerce*, every capital trading town and sea-port having its separate *chamber of commerce*, amongst which the most respectable and the nearest to the coasts of England, is that of Dunkirk. And as in time of peace a very considerable trade is carried on between London and that port, an account of the jurisdiction and utility of the *chamber of commerce* established there, may prove more particularly necessary than any other, at the same time that it may serve as a general illustration of the nature of, and commercial advantages of all the *chambers of commerce* established in France.

The *chamber of commerce* at Dunkirk is composed of a select number of merchants of the first reputation and consideration, who are not of the magistracy of the town. They hear and determine all causes arising from little disputes amongst merchants and shop-keepers, wholly relative to commerce, which are generally referred to them by way of arbitration, and the parties are obliged to abide by the decision of the *chamber of commerce*, unless they chuse to appeal to the royal council of commerce at Versailles; a number of law-suits are thus avoided, and the partialities from private arbitrators precluded.

They inspect the bills of entry and of exports, and form an exact state of the commerce of the port, which is sent to their deputy, who is always one of the number of the royal council of commerce, every *chamber of commerce* having its deputy in that council.

The council, by this means, is continually receiving instructive memoirs on the state of trade in the port of Dunkirk, and is enabled readily to pursue the necessary measures, to support and encourage the most advantageous branches of commerce in the port. It is by this correspondence, so wisely established, and so regularly kept up, that the port of Dunkirk has always had a very considerable commerce, every facility being granted to trade and navigation through the medium of the *chamber of commerce*. The regulations of the port fall likewise under their inspection; and the good order that is observed, particularly with respect to the succouring of ships in distress, and protecting the effects that happen to be shipwrecked on the coasts, at once gives security and confidence to the owners of ships and merchandize.

CHAMBERS of the king. The havens or ports of the kingdom are so called in our records. *V. Mare Clausum, fol. 242.*

CHAMBERLAIN of London, is an officer of great trust, being entrusted with the city cash, and the orphans money; for which reason he must give good security to the court of aldermen, and is accountable to auditors appointed to examine his accounts. He has great authority in making and determining the rights of freemen, concerning apprentices, orphans, &c. No apprentice can be bound without being sworn before him; he can commit an apprentice to Bridewell for any misdemeanor, or otherwise punish him, according to the nature of his offence: he has a court, or office, kept in the chamber of Guildhall, where he attends to enrol and turn over apprentices, to make freemen, and to hear and determine complaints made by the master or apprentice against each other. This office lasts but for a year, being chosen annually on Midsummer-day; but the custom usually obtains to rechoose the same person, unless he has been chargeable with any misdemeanor in his office.

CHAMOMILE, in botany, is a well-known plant of great use in physic.

Hoffman says, no simple in the *Materia Medica* is possessed of a greater quality more friendly and beneficent to the intestines than *chamomile flowers*; for which reason I have, adds he, instead of all other ingredients, hitherto, with great success, prescribed *chamomile flowers* for clysters, in all disorders which indicate their use; adding, when there is a necessity for it, oil of sweet-almonds; and for patients of the poorer sort, linseed oil, or oil of turnep-seeds; or, for evacuating the *feces*, a sufficient quantity of common salt, which, from its stimulating quality, is of more service than the whole train of laxative and purga-

tive extracts or electuaries, which may be very well left out of clysters. These flowers make an excellent cataplasm for discussing, softening, and maturing abscesses. When boiled in milk, and put into a bladder, either alone, or in conjunction with the flowers of elder, mallows, yarrow, or saffron, they are highly efficacious in alleviating pains, and softening tumours, if the bladder is applied to the part affected. I have learned, from long practice and experience, that a spirit distilled from the tops of yarrow, *chamomile flowers*, anise-seeds, and Ethiopic cumin, is of more efficacy, in discussing flatulencies, than any other much extolled carminative and antispasmodic preparations.

CHAMPAGNE. The soil of this province in France is very fertile in all sorts of grain, more especially wheat and oats, and its hills are covered with vineyards that produce a most excellent wine. Hemp and flax are cultivated here in plenty, of which are made various sorts of linen, and threads, employed in the manufacturing of lace. The pastures are admirable for grazing, as may be judged from the support they give to great flocks of sheep, and herds of horned cattle. The hides of the latter afford a sufficient employ to several tanneries; and the rivers and brooks set to work many forges for working iron, hammering copper, and milling paper.

But the principal product of this province is the wine, for which it is justly so famous, and of which the best is found at Rheims, Sillery, Hautvilliers, (corruptly called Ovilé) in the valley of Pierry, and the district of Ay, though there are many good wines of a second quality in other parts of it.

At Rheims they make cloths like those of Berry, and various sorts of fluffs.

Sedan is noted for making and dyeing the black cloths, as also large parcels of cloth and other ferges.

Linens, whether flaxen or hempen, are no inconsiderable products of *Champagne*, the manufactories of them being dispersed through both this province and that of Soissons; the principal one is at Guise: however, between this place, Vervins, and Noyon, there are thirty-four villages, where no other linens are made than those of the finest flax, called *batistes*, or cambricks. At Rheims, and several other places noted for woollen fabricks, there are also established some for linen, which with those of hats, caps, lace, &c. are very considerable, and furnish a great value to the general commerce of France.

CHANDLER'S-SHOP. Those who keep these shops sell in small quantities many things used in the kitchen; as butter, cheese, vinegar, mustard, brick-duft, small-coal, tea, sugar, small-beer, &c. But they take no apprentices, and keep no journeymen.

CHANGER is an officer belonging to the king's mint, mentioned in the statute of 2 Hen. VI. c. 12. whose business was to exchange coin for bullion, brought in by merchants, or others.

CHANNEL, in geography, is an arm of the sea which runs within the land; or a narrow sea contained between two adjacent continents, islands, &c.

CHAUL, or **CHAUL**, is a city belonging to the Portuguese, which they took from the king of Decan; its trade is very considerable, but much less than it had been formerly; it is, above all, famous for its silks and silken manufactures, with which it almost entirely furnishes Goa, as well as a great part of India.

A great many China ships come here, with the products of their country, and take spices, which turn to good account. The other fabricks carried on here, are all sorts of varnish after the Chinese manner, and divers works of lack of all colours, which nearly approach in goodness to those of China. Here are also plenty of oxen and cows; all sorts of fruit and the other products of the earth, except grapes, walnuts, and chefnuts.

CHARACTERS, in commerce.

D ^o , ditto, the same.	C. or ♂ hundred weight, or
N ^o , numero, or number.	112 pounds.
F ^o , folio, or page.	q ^r . quarters.
R ^o , recto, folio.	Per or by, as <i>per annum</i> , by
V ^o , verso, folio.	the year; <i>per cent.</i> in the
L. or l. pounds sterling.	hundred, &c.
S. or s. shillings.	R ^s . rixdollar.
d. pence, or deniers.	D ^d . ducat.
lb. pound weight.	P. S. postscript, &c.

CHARAG, a tribute paid to the grand seignior by Christians and Jews, who either live or trade in the Turkish territories.

CHARASSM, is a country extremely fertile in all those parts that are fit for culture, and its inhabitants are reckoned the richest herdsmen of all the Ottoman empire; they are supported entirely by their cattle, which consist in camels, sheep, and goats; and lodge in tents, which they transport from one place to another, according as the season and conveniency of pasture suits. In winter they encamp along the Euphrates, on the side of Mesopotamia and Natolia; and the summer heats invite them to the refreshing vallies enclosed by the Armenian mountains towards the rise of the Euphrates and Tigris.

The second body of Turkmans (called Eastern-Turkmans) also subsist by their cattle, or agriculture, according to the different districts they are found in; the winter season they pass in the towns and villages in the neighbourhood of the Amu, and Caspian-Sea; and in summer they encamp wheresoever they meet with good pasturage and water.

There are twenty provinces in this country of *Charassm*. That of Burma is to the east of the city of Vafir, towards the frontiers of the Grand Boucharie. This province is very fertile, populous, and produces the most delicious melons of all the *Charassm*. That of Gordisch is between the Pischga and the Kumkaut; and as this province is watered by the river Amu, it is one of the most fruitful and best cultivated parts of the *Charassm*.

CHARCOAL, a sort of artificial coal, consisting of wood half burnt; which, by reason of the humidity of the wood being mostly dissipated and exhaled in the fire, wherein it is prepared, makes a strong clear fire without smoke.

The vapour of *charcoal*, in a close room, is fatal. It is the more dangerous, because it comes without any ill smell, and steals on by little and little, causing only a faintness, without any manifest strangling.

The effect no doubt is wrought by the inspissation of the air; or rather by destroying its elastic power.

CHARITABLE CORPORATION, a society of persons who engaged to lend money to industrious poor, at five pounds *per cent.* interest on pawns and pledges, to prevent their falling into the hands of pawnbrokers, and therefore they were called the *charitable corporation*: but they likewise took five pounds *per cent.* for the charge of officers, warehouses, &c. And in the fifth year of king George the Second, the chief officers of this corporation, by connivance of the principal directors, absconded and broke, and defrauded the public proprietors of great sums.

For relief of the sufferers therein, as to part of their losses, several statutes were made and enacted. See *stat.* 5 *Geo.* II. c. 31, 32. 6 *Geo.* II. c. 35 and 36. 7 *Geo.* II. c. 11.

CHARKS. Wood when *charred* is properly charcoal; the pit-coal, when so *charred* or *charked* in Worcestershire, is called *chars*, as the sea-coal so prepared about Newcastle, is called *coke*.

CHARRE of lead. A *charre of lead* consists of thirty pigs, each pig containing six stone wanting two pounds, and every stone being twelve pounds.

CHART, or *sea-chart*, a hydrographical map, or a projection of some part of the earth's superficies in plano, for the use of navigators.

Plane-chart, is a representation of some part of the superficies of the terraqueous globe, in which the meridians are supposed parallel to each other, the parallels of latitude are at equal distances, and consequently the degrees of latitude and longitude every where equal to each other.

The equator is a right line drawn east and west on the *chart*.

Latitude on that part of the *plane-chart*, is that part of the meridian intercepted between any parallel and the equator, and is either north or south, according as the parallel is situated on the north or south side of the equator.

Difference of latitude, is that part of the meridian contained between any two parallels of latitude.

Longitude on the *plane-chart*, is counted on any parallel from the first meridian.

Difference of longitude, meridional distance, or departure, on the *plane-chart*, are synonymous terms, signifying

the same thing, and are that part of a parallel of latitude intercepted between any two meridians.

The course between any two places on the *chart*, is the angle which the right line drawn through those places forms with their meridians.

Mercator's CHART is that where the meridians are straight lines parallel to each other, and equidistant; the parallels are also straight lines, and parallel to each other; but the distance between encreases from the equinoctial towards either pole, in the ratio of the secant of the latitude to the radius. If the superficies of a terrestrial globe be supposed to be taken off and extended on a plane, so as to make the meridians parallel to each other, and the degrees of longitude every where equal, it is easy to conceive, that it must be productive of most notorious errors; for an island in the latitude sixty degrees, where the radius of the parallel is equal to but one half of the radius of the equator, will have its length from east to west distorted in a double ratio to what it was on the globe; that is, its length from east to west, in comparison of its breadth from north to south, will be represented in a double proportion of what it really is. Whence it follows, that, in whatever proportion the degrees of any parallel are encreased or diminished by a projection in plano, the degrees of longitude ought to be encreased or diminished in the same ratio; for otherwise the true bearings and distances of places will be lost, as in the case of the *plane-chart*, where the degrees of latitude and longitude are all equal.

This Mr. Wright has elegantly effected, by keeping the meridians parallel as before, and protracting the degrees remote from the equator, in like proportion with those of longitude. This projection is generally, though very unjustly, called *Mercator's projection*; for Mr. Wright had long before invented it, though Mercator was the first who published it.

Globular CHART, a meridional projection invented by M. de la Hire, wherein the distance of the eye from the place of the meridian, upon which the projection is made, is supposed to be equal to the sine of the angle of forty-five degrees: this projection comes the nearest of all to the nature of the globe, because the meridians are placed therein at equal distances, the parallels also are nearly equidistant, and consequently the several parts of the earth have their proper proportion of magnitude, distance, and situation nearly the same as on the globe itself.

CHARTA MAGNA, contains several privileges and liberties which were granted to the church and state by Edward the Confessor, and some which were granted by Henry I. but those were only relating to the feudal laws which were imposed on the people by William I. so that nothing new was added by him.

King Stephen and king Henry II. confirmed the *Magna Charta* of Henry I. and Richard I. took an oath at his coronation to abolish all evil customs, and to observe all just laws; which was an implicit confirmation of the charter itself.

King John took the like oath: but a difference arising between him and pope Innocent III. concerning the election of an archbishop of Canterbury, he was, for the most part of his reign, embroiled in wars both at home and abroad; till at length at Runingmede (a place between Windsor and Staines) he confirmed the charter; and soon after broke it; and thereupon the barons took up arms again; so that his reign ended in wars, and Henry III. an infant, succeeded; in whose reign it was several times confirmed, and as often abrogated, even after the most solemn engagement to observe it. As for instance, in the thirty-seventh year of his reign he came to Westminster-hall, and there (in the presence of the nobility, and of the archbishop and bishops in their pontifical habits, with lighted candles in their hands) the charter was read, the king all that while laying his hand on his breast; and when it was read, the bishops extinguished the candles, and threw them on the ground; and every one said, "Thus let him be extinguished, and sink in hell, who violates this charter." Then the bells rung, as a sign that every one rejoiced, and approved of what was done. And the king himself said, "So help me God; I will faithfully and inviolably observe all these things, as I am a man, a Christian, a soldier, and a king." And yet the next year he invaded the rights of the people. And at length the barons took up arms,

arms, and beat his army at the battle of Lewes in Suffex, and took him and his son, Edward I. prisoners; but the prince escaping, he beat the barons in a battle at Evesham, and restored his father to his royal dignity. And then the king, though conqueror, confirmed this charter, and the charter of the forest, in the parliament of Marlbridge, in the fifty-second year of his reign, and died afterwards in peace. And his son, Edward I. not only confirmed these charters, but in the twenty-fifth year of his reign made an explanation of the liberties and privileges therein granted to the people; and added some which were new, and are called *articuli super chartas*. And thus *Magna Charta* was then confirmed, and more than thirty times since.

CHARTERPARTY (*charta partita*, i. e. a deed or writing divided) is the same in the civil law with an indenture at the common law: it settles the agreement, as the bills of lading do the contents of the cargo, and binds the master to deliver them well-conditioned at the place of discharge, according to the agreement; and for performance, the master obliges himself, ship, tackle, and furniture.

The taking a ship to freight is the hiring her of her master or owners, either in part or the whole, and either by the month, for an entire voyage, or by the ton; and the contract, reduced into a writing commonly called a *charterparty*, is executed between the freighter, and the person who lets the ship, and is expressive of the different particulars agreed on.

The master or owners generally covenant to provide both a sufficiency of tackle and mariners, and to fit the ship in every respect for performing the voyage agreed on; and the merchant, on his part, stipulates to comply with the payment promised for freight, on delivering of his goods, and both oblige themselves in penalties for non-compliance; the nature and form of which will be shewn in the subsequent copy of a *charterparty*, and the consequent security of a bill of lading, *which last see under the article BILL*.

If there be a verbal agreement only, and earnest given, and the same be broke off by the merchant, according to the Rhodian law, he loses his earnest; but if the owners or master repent, they forfeit double.

But by the common law of England, the party damaged may bring his action on the case, and recover all damages on the agreement.

If by the time appointed in the *charterparty*, the ship is not ready to take in, or the merchant (after the days of demorage commonly granted) not ready to load, the parties are at liberty, and the suffering one hath his remedy against the other by action, to recompense the damage.

If part of the loading be on board, and some intervening misfortune prevents the merchant from shipping the whole in time, the master is at liberty to contract with another, and shall have freight by way of damage for the time that those goods were on board after that limited; for such agreements, being of a conditional nature, precedent a failure as to a compleat loading, will determine the same, unless afterwards affirmed by consent; and though it be no prudence for every merchant or master to depart from the contract, on a non-compliance of articles, yet it is the highest justice, that ships and masters should remain free; for otherwise, by the bare lading of a cask or bale, they might be defeated of the opportunity of passage, or season of the year. *Jure Mar. l. 2. c. 4. s. 3.*

So, on the other hand, if the vessel be not ready, the merchant may ship the remainder of his goods on board another, and discharge the first, and recover damages against the master or owners for the rest; this being grounded on the like reason as the former. *Cro. Car. 383. 3 Lev. 283.*

Charterparties have always, by the common law, had a genuine construction as near as may be, and according to the intention and design, and not according to the literal sense of traders, or those that merchandize by sea, yet they must be regularly pleaded; and therefore in an action of covenant, or an indenture, dated the 9th Oct. 38 Eliz. wherein was recited, *whereas by indenture of charterparty* dated Sept. 8, 38 Eliz. between the plaintiff and Francis Cherry; the plaintiff having hired of him a ship, for a voyage to Dantzick, upon taking the ship it was agreed between them, that the ship should be laden with corn at Dantzick, and sail from thence to Leghorn. Now by the

said indenture, in consideration the plaintiff had agreed, that the defendant should have the moiety of corn, *quod tunc fuit*, (what it then was) or afterwards should be laden in the ship during the said voyage, the defendant covenanted to pay the moiety of the money for the said corn, *quod tunc fuit*, or afterwards should be laden, &c. and alleged in *facto* (in fact) that Octob. 9, 38 Eliz. the ship was laden with sixty lasts of corn, and for non-performance of this covenant the action was brought; the defendant pleaded that the deed was sealed and delivered Oct. 28, 38 Eliz. *& quod ad tunc vel postea* (and which to that time or afterwards) there was not any corn laden there, and traverseth the delivery, Octob. 9, or at any time afterwards before the 28th Oct. 38 Eliz. and it was adjudged upon demurrer, that in regard the plaintiff declared upon a deed dated Oct. 9, 38 Eliz. it shall be intended to have its essence and delivery at that time, and no other; and if he should confess it to be delivered at any other time, it would be a departure from his declaration, and the word *tunc* is referred to the delivery, and not to the date; and if it were delivered ten months after the date, he should not have the benefit of the corn laden before the delivery: and therefore the defendant was adjudged not to be charged with paying for any corn before the delivery of the deed, the words of the deed being, that he should pay for the corn then laden, &c. which (*then*) is referred to the time of the essence of the deed by the delivery, and not to the date. *2 Cro. 263. Osley v. Sir Baptist Hicks.*

Atkinson contracted with Buckle for the carriage of an hundred quarters of barley, and promised to deliver unto him the hundred quarters of barley a ship-board at Barton haven in the county of York, to carry them for him, and for the carriage thereof did promise to pay to him so much; and Buckle promised to carry the same for him, and accordingly brought his ship to the said haven, expecting there the delivery of the hundred quarters of barley; but Atkinson came not to deliver the same to him, whereupon Buckle brought his action of the case upon the promise, and upon *non assumpsit* pleaded, had a verdict and judgment, which was affirmed upon a writ of error, *3 Bulst. 152. 1 Ro. 312.*

Covenant upon a *charterparty* between Bolton, owner, and Lee and Morgan, merchants, freighters of a ship, let by Bolton on freight, for a voyage to Guinea, at forty-eight pounds *per menssem*, and there was a mutual covenant between the parties, *& quemlibet eorum modo sequente* (and each of them in the following manner) and then divers covenants follow, concerning the ship's tackle and performance of the voyage; and then a covenant for the payment of the freight, viz. when the ship arrived at Guinea, the freight then due was, upon notice, to be paid in England, and when she arrived in England, the residue, from the time of the last payment, was to be paid. And saith that at such a time the ship arrived, and that six months and ten days were then past, which came to so much, whereof notice was given; and that after such a time the ship arrived in England, and that the freight for six months, from the time of the last payment, came to 287 l. 4 s. and that the defendant had not paid any of the sums; upon which the defendant demurred, and took these exceptions to the declaration.

1. For this, that the action is brought against one of the defendants only, omitting the other, *sed non allocatur* (but not allowed) the covenant being between them, *& quemlibet eorum*, (and each of them) is joint, and several of every part. *1 Mod. Caf. 154. Salk. 393. pl. 2.*

2. For that it appears upon computation the plaintiff demanded more upon the first breach than is due by thirty shillings, and less than is due upon the second by sixteen shillings, and though that the first may be cured by the jurors finding less, or by the plaintiff's releasing the overplus, yet where he demands less than his due, it is incurable, and cited several books there quoted for that purpose in *assumpsit*, where, as in this case, only damages are to be recovered; and on the other part was cited, *Cro. Jac. 498. Pemberton v. Shelton*, and *529 Parker v. Curson & Uxor*. See *2 Levinz. 4. Hulme & Sambers*; and *2 Vent. 129. Welby and Philips*. Hale C. J. took a difference between this case of covenant and debt, and held, that after verdict it had been cured without question; but upon demurrer there may be some doubt, the demurrer being general;

general; but had the demurrer been special, it had been ill, and ruled judgment, *pro Quer.* 2 *Levinz* 56, and 3 *Kemble* 39 and 50. *Bilton and Lee.*

If goods are tully laden on board, and the ship hath broke ground, and the merchant on after consideration determines again to unload them, and not prosecute the adventure, by the marine law the freight is due. *Ad Leg. Rhod.*

And if the ship in her voyage becomes unable, without the master's fault, or that the master or ship be arrested by any foreign prince, or state, in her voyage, the master may either mend his ship, or freight another; but if the merchant will not consent thereto, then the freight becomes due, for so much as the ship hath earned; otherwise the master is liable for all damages that shall happen: and therefore if that ship to which the goods were translated, perish, the master shall answer; but if both the ships perish, then he is discharged: but in case of extreme necessity, as that the ship should be in a sinking condition, and an empty ship is passing by, or at hand, he may translate the goods; and if that ship sinks or perishes, he is there excused; but then it must be apparent that that ship seemed probable and sufficient. *Judge. Oleron, Leg. ult. ad Rhod. Digest. Paulus, l. 14. c. 2. f. 10.*

If a master shall weigh anchor, and sail after the time covenanted or agreed for his departure, if any damage happens at sea after that time, he shall refund and make good all such misfortune; yet if a charterparty is made, that the plaintiff shall sail from London to Lisbon, with the first wind and opportunity, &c. in consideration of which, the merchant did covenant to pay so much for freight; the ship departs not with the first wind and opportunity, yet afterwards breaks ground, and arrives at her port, the freight in this case is become due; for there is nothing can bar the ship of her freight, but the non-departure, for only that in law is traversable, being material to avoid the payment of the freight; but to say the ship did not depart with the next wind, is but a circumstance, which, in strictness of law, is not traversable. *Popham* 161. *Palm.* 398. *Lathe.* 12, 49.

If it be agreed, that the master shall sail from London to Leghorn in two months, and freight accordingly is agreed on, if he begins the voyage within the two months, though he does not arrive at Leghorn within the time, yet the freight is become due.

The East-India company might by charterparty keep a ship they had freighted a long time in India, and did so keep her until she was unfit for service, and could not come home, they were obliged in Chancery to pay the damage, though by the charterparty it was payable at the return of the ship. 2 *Vern.* 210.

So where no freight was to be paid for the cargo outwards, but freight for the cargo homewards, and the factor abroad had no goods to load her homewards, payment of the freight was decreed. 2 *Vern.* 212.

And if a ship is freighted to go to any place to load, and on arrival there the factor cannot, or will not put any thing on board him, after the master has laid the day's agreed on by charterparty, and made his regular protests, he shall be paid empty for full.

Though the officers and mariners gave bond not to demand wages, unless the ship returned to London, she arrived at a delivering port, and afterwards was taken by the enemy, they had their wages to the delivering port. 2 *Vern.* 727.

If a ship is freighted from one port to another, and thence to a third, fourth, and so home to the port from whence she first sailed (commonly called a trading-voyage) this is all but one and the same voyage, so as it be in conformity to the charterparty. *Leg. Relegatiff. de panis & Leg. ult. de sep. vio.*

A merchant agrees with a master, that if he carries his goods to such a port, he will then pay him such a sum; in the voyage the ship is assaulted, entered, and robbed by pirates, and part of her lading taken forth, and afterwards the remainder is brought to the port of discharge, yet the sum agreed upon is not become due, for the agreement is not by the master performed. *Trin. 9 Jac.* in C. B. *Rot.* 638. *Bright v. Cooper.* 1 *Brownl.* 21.

Though by the civil law this is *vis major*, or *casus fortuitus*, (the greater force, or an accidental case) there be-

ing no default in the master or his mariners, and the same is a danger or peril of the sea, which if not in naval agreements expressed, yet is naturally implied; for it is certain, that if those goods, which the pirates carried away had been in strefs of weather thrown overboard, the same would not have made a disability as to the receipt of the sum agreed on; for both by the common and marine law, the act of God, or that of an enemy, shall no ways work a wrning in private actions. 1 *Co.* 97. *Shelley's Case, Reginer and Fogassa's Case. Plowden Com.* But a pirate is not an enemy.

If a ship be freighted by the ton, and she is full laden according to the charterparty, the freight is to be paid for the whole; otherwise but for so many ton as the lading amounted to.

If freight be contracted for the lading of certain cattle, or the like, from Dublin to West-Chelster, and some of them happen to die before the ship's arrival, the whole freight is become due as well for the dead as the living. *Jure Mar.* l. 2. c. 4. f. 8.

But if the freight be contracted for the transporting them, at so much per head, if death happens, there ariseth due no more freight than only for such as are living, at the ship's arrival at her port of discharge, and not for the dead. *Ditto.*

When cattle or slaves are aboard, without any previous agreement for lading or transporting them, but generally, then freight shall be paid as well for the dead as the living; and if freight be contracted for the transporting of women, and they happen in the voyage to be delivered of children, no freight becomes due for the infants. *Ditto.*

If goods are sent on board, generally, the freight must be according to that commonly paid for the like accustomed voyages. *Ditto.*

If a ship shall be freighted, and named to be of such a burthen, being freighted by the ton, shall be found less, there shall no more be paid than only by the ton, for all the goods that were laden on board. *Ditto.*

And if a ship be freighted for two hundred tons, or thereabouts, the addition of thereabouts is commonly reduced to be within five ton, more or less, as the moiety of the number ten, whereof the whole is compounded. *Ditto.*

If a ship be freighted by the great, and the burthen of it not expressed, yet the sum certain is to be paid. *Chaff. Jones v. Lovering Styles,* 220.

If a freighter by loading prohibited or unlawful goods, occasions the ship's detention, or otherwise impedes her voyage, he shall pay the freight contracted and agreed for.

When a ship is freighted out and in (or out and home) there is no freight due till the whole voyage is performed; so that if she be cast away coming home, the freight outwards, as well as inwards, becomes lost. *Trin. 9 Jac.* B. R. *Bright v. Cowper. Brownlow* 1, part 21.

A part owner of a ship sued the other owners for his share of the freight on finishing her voyage; but the other owners had fitted her out, in which the complainant would not join, whereupon the other owners complained in the admiralty; and by order there, they gave security, that if the ship perished in the voyage, to make good to the plaintiff his share, or to that effect; in such a case, by the law marine and course of the admiralty, the plaintiff was to have no share of the freight: it was referred to Sir Lionel Jenkins to certify the course of the admiralty, who certified accordingly, and that it was so in all places, for otherwise there would be no navigation; whereupon the plaintiff's bill was dismissed. *In Chancery,* 13 July, 1680.

If a master lets out his ship, and afterwards secretly takes in other goods unknown to the first freighter, by the law marine he loses his freight; and if it should so fall out, that any of the freighter's goods should for safety of the ship be cast overboard, the rest shall not become subject to the average, but the master must make the damage good; though if the goods are brought into the ship secretly and unknown to him, it is otherwise; and goods so brought in, may be subjected to what freight the master thinks fit. *Leg. Oleron. Leg. Naval. Rhod. art. 25. Consol. del. Mer.*

When a ship puts into any other port than that she was bound to by agreement, the master shall answer all damages that shall accrue thereby; but if she was forced in by a storm, enemies, or pirates, he must afterwards pro-

ceed to that he was obliged to by contract. *Leg. Oleron.*

In construction of law, the lading of the ship is tacitly obliged for the freight, the same being in point of payment preferred before any other debts to which the goods so laden are liable, though such debts, as to time, were precedent to the freight; for the goods remain, as it were, bailed for the same; nor can they be attached in the master's hands, though it is commonly conceived otherwise. *Bald. in leg. certi juris in 4 2. in verb. quid ergo Cod. locat.*

As ships deserve wages like a labourer, the actions touching the same are in the eye of the law generally construed favourably for the ship and owners; and therefore if four parts in five of them shall make up their accounts with the freighters, and receive their proportions, yet the fifth man may sue singly by himself without joining with the rest, and this as well by the common law as the law marine. *Stanley v. Ayles, by Hale. 3 Keb. 444.*

If a ship in her voyage happens to be taken by an enemy, and afterwards is retaken by another ship in amity, and restitution is made, and she proceeds on her voyage, the contract is not determined, though the taking by the enemy divested the property out of the owners; yet by the law of war, that possession was defeasible, and being recovered in battle afterwards, the owners become re-invested; so the contract, by fiction of law, became as if she never had been taken, and so the intire freight becomes due. *7 Rich. II. Stalkam Abr. 54.*

It was covenanted by a charterparty, that a ship should return by a certain time within the river of Thames (the dangers of the sea excepted) and afterwards in the voyage, and within the time of the return, the ship was taken upon the sea by enemies unknown to the covenant, and being detained by them could not return within the river of Thames, within the time mentioned in the covenant. *Resolved*, this impediment was within the exception, for these words intend as well any danger upon the sea by pirates or men of war, as dangers of the sea, by shipwreck, tempest, or the like. *Pickering and Barkly, Stiles 132. 2 Roll's Abr. 248.*

If freight be taken for a hundred tons of wine, and twenty of them leak out, so that there is not above eight inches from the bulge upwards, yet the freight becomes due; but if they be under eight inches, some conceive it then to be in the election of the freighters to sling them up to the master for freight; but most think otherwise; for if all had leaked out (if there was no fault found in the stowage, by a survey from the Trinity-house) there is no reason the ship should lose her freight; for the freight arises from the tonnage taken, and if the leakage was occasioned through storm*, the same perhaps may come into an average. *Boyce v. Cole. Hill. 26. 27 Car. II. B. R.*

It is certain, if a ship freighted by the great be cast away, the freight is lost; but if by the ton or parcels, and part thereof is saved from the wreck; *doubted*, whether *pro rata*, the ought not to be answered her freight†.

If a ship by charterparty, reciting to be of the burden of two hundred tons, is taken to freight for a sum certain, to be paid at her return, the sum certain is to be paid, though the ship amounts not to that burden.

In case a ship is freighted after the rate of twenty pounds for every month that she shall be out, to be paid after arrival at the port of London; the ship is cast away coming up from the Downs, but the lading is all preserved, in which case the freight is become due; for the money arises so monthly by the contract, and the place mentioned is only to shew where payment is to be made; for the ship deserves wages like a mariner, who serveth the month; and though he dies in the voyage, yet his executors are to be answered *pro rata*. Besides, the freight becomes due by indentment on the delivery or bringing up of the commodities to the port of London, and not of the ship.

If a man freights a ship out, and covenants that the ship should sail out of that port to Cadiz with the first fair wind and opportunity, and the freighter covenants that for the freight of all the premises, he would pay unto the master one hundred and eighty-four pounds, if the master doth

not aver, that the ship did arrive at the port of Cadiz, he cannot maintain an action against the freighter. *1 Bulst. 176. 1 Inst. 204. a. Dy. 76. a. 2 Sand. 350.*

If the master enters into a charterparty for himself and owners, the master in that case may release the freighters, without advising with the owners; but if the owners let the ship out to freight, whereof J. J. is master, though the master covenant in the same charterparty and subscribes, yet his release in that case will not bind the owners, but the owners release, on the other hand, will conclude the master; and the reason is, for that the master is not made a proper party to the indenture. And so it was ruled, where an indenture of charterparty was made between Scudamore and other owners of the good ship called the B, whereof Robert Pitman was master, on the one part, and Vandensene on the other part; in which indenture the plaintiff did covenant with the said Vandensene and Robert Pitman, and bound themselves to the plaintiff and Robert Pitman for the performance of covenants in six hundred pounds, and the conclusion of the indenture was — *In witness whereof* the said Robert Pitman put his hand and seal, and delivered the same; in an action of covenant, for not performing certain covenants in this indenture, the defendant pleaded the release of Pitman, whereupon the plaintiff demurred, and it was adjudged, that the release of Pitman did not bar the plaintiff, because he was no party to the indenture; and the diversity in that case was taken and agreed between an indenture reciprocal between parties on the one side, and parties on the other side, as that was; for there no bond, covenant, or grant can be made to, or with any that is not party to the deed; but where the deed indented is not reciprocal, but is without a *between*, &c. as *omnibus Christi fidelibus*, &c. there a bond, covenant, or grant may be made to diverse several persons. *Cro. Eliz. 56. Scudamore & Al. v. Pitman Trin. 29 Eliz. in B. R. cited in Coke 2 Inst. fol. 673. 2 Levinz 74. Cook and Child and 3 Levinz 138. Gilby v. Copley que semble contra.*

If an indenture of charterparty be made between A and B, owners of a ship of the one part, and C and D, merchants of the other part, and A only seals the deed of the one part, and C and D of the other part; but in the indenture it is mentioned that A and B covenant with C and D, and C and D covenant with A and B. In this case, A and B may join in an action against C and D, though that B never sealed the deed, for he is a party to the deed, and C and D have sealed the other part to B as well as to A. *Clement v. Henley, 2 Roll. Abr. 22.*

Covenant upon a charterparty, by which the master of a ship covenants to sail with the first fair wind to Barcelona, and that the mariners shall attend with a boat to relate the ship, and then to return with the first fair wind to London, and to unlade and deliver the goods; and the merchants covenant to pay so much for freight, and so much for demurrage every day; the master brought his action for the freight and demurrage, and declares he sailed such a day, with the first fair wind, and upon all the other points. The defendant *quoad* the freight, that the ship did not return directly to London, but went to Alicante and Tangier, and made divers deviations, and by these delays the goods were spoiled; and as to demurrage, that this was occasioned by the negligence of the mariners, in not attending with the boat to relate the ship, to which the plaintiff demurred, and *per curiam pro quer.* for that the covenants are mutual and reciprocal, upon which each shall have his action against the other, but shall not plead the breach of one in bar of another, for perhaps the damage of the one side and the other are not equal. *3 Levinz 41. Cole cont. Shallet, Sir Tho. Jones, 216. Showers v. Cudmore. Lex Merc. p. 117.*

If a factor freights a ship, by order and for account of another, out and home, and a charterparty is accordingly made and indented between him and the master, the factor is liable for the freight and performance of all covenants; but if the ship be only freighted outwards, and loaded by the factor, the goods shipped are only liable for the freight, and no demands to be made on the freighters in virtue of the charterparty, but the person who receives the goods is to pay it, according to the tenor of the bill of lading.

If a ship is freighted out and home, and after having delivered her cargo at the place agreed on, there are no goods provided

* Masters should take care to make their regular protests after a storm, as they may suffer severely by omitting it.

† It is common to give up what is saved to the assurers, that the assurers may recover the whole insurance.

provided for her reloading, the master must stay the days of demorage agreed on by *charterparty*, and make his regular protest for his freighters non-compliance, who will in this case be obliged to pay him empty for full; though should the master not wait the time stipulated, or omit to make his protest, he will lose his freight; and in case the master, on his finding no goods provided by his freighters, should determine to load some on his own account, as salt, or the like, this will not obstruct his recovering his freight; for if the ship had been laden only with salt by the merchant, which (it may be) would not pay half the freight, yet the shipper or proprietor may at pleasure abandon the same to the master for his freight, and he can demand no more by the *charterparty*; but if the master take in such salt on his own account, before the days of demorage are expired, and that by some condition made with his freighter, he may claim freight, then this latter is to have the benefit of the salt in deduction of the said freight.

Form of a CHARTERPARTY of affreightment.

This *charterparty* indented, made, &c. between A. B. of, &c. mariner, master, and owner of the good ship, or vessel, called, &c. now riding at anchor at, &c. of the burden of two hundred tons, or thereabouts, of the one part, and C. D. of, &c. merchant, of the other part, witnesseth, that the said A. B. for the consideration herein after mentioned, hath granted, and to freight letten, and by these presents doth grant, and to freight let, unto the said C. D. his executors, administrators, and assigns, the whole tonnage of the hold, stern-sheets, and half-deck, of the said ship or vessel, called, &c. from the port of London to, &c. in a voyage to be made by the said A. B. with the said ship, in manner hereafter mentioned (that is to say) to sail with the first fair wind and weather, that shall happen after, &c. next, from the said port of London, with the goods and merchandize of the said C. D. his factors, or assigns, on board, to, &c. aforesaid (the dangers of the sea excepted) and there unlade and make discharge of the goods and merchandizes; and also shall there take into, and aboard the said ship again, the goods and merchandizes of the said C. D. his factors, or assigns, and shall then return to the port of London, with the said goods, in the space of, &c. limited for the end of the said voyage. In consideration whereof the said C. D. for himself, his executors, and administrators, doth covenant, promise, and grant, to and with the said A. B. his executors, administrators, or assigns, by these presents, that the said C. D. his executors, administrators, factors, or assigns, shall and will, well and truly pay, or cause to be paid unto the said A. B. his executors, administrators, or assigns, for the freight of the said ship and goods, the sum of, &c. (or so much *per ton*) within twenty-one days after the said ship's arrival, and goods returned and discharged at the port of London aforesaid, for the end of the said voyage: and also shall and will pay for demorage (if any shall be by the default of him, the said C. D. his factors, or assigns) the sum of &c. *per day*, daily, and every day, as the same shall grow due. And the said A. B. for himself, his executors, and administrators, doth covenant, promise, and grant, to and with the said C. D. his executors, administrators, and assigns, by these presents, that the said ship or vessel shall be ready at the port of London to take in goods by the said C. D. on or before, &c. next coming. And the said C. D. for himself, his, &c. doth covenant and promise, within ten days after the said ship or vessel shall be thus ready, to have his goods put on board the said ship, to proceed on the said voyage; and also on the arrival of the said ship at, &c. within, &c. days, to have his goods ready to put on board the said ship, to return on the said voyage. And the said A. B. for himself, his executors, and administrators, doth farther covenant and grant to and with the said C. D. his executors, administrators, and assigns, that the said ship or vessel now is, and at all times during the said voyage shall be, to the best endeavours of him the said A. B. his executors, and administrators, and at his and their own proper costs and charges, in all things made and kept stiff, staunch, strong, well apparelled, furnished, and provided, as well with men and mariners, sufficient and able to sail, guide, and govern the said ship, as with all manner of rigging, boats, tackle,

apparel, furniture, provision, and appurtenances fitting and necessary for the said men and mariners, and for the said ship during the voyage aforesaid. *In witness, &c.*

The following is the form of a charterparty, whereby the owners of one moiety of a ship let to freight their share to the owners of the other moiety.

This *charterparty* indented, made, &c. between A. B. and C. D. of London, merchants, owners of the one moiety or half-part of the good ship or vessel called the Neptune, of the burden of two hundred tons, with the like moiety of all the sails, masts, tackle, apparel, furniture, ordnance, and appurtenances thereunto belonging, now riding at anchor in the river of Thames, within the port of London, of which the said C. D. is master, of the one part, and E. F. and G. H. of London, merchants, owners of the other moiety and residue of the said ship, with the masts, sails, tackle, ordnance, furniture, and apparel thereunto belonging, on the other part, witnesseth, that the said A. B. and C. D. have granted and letten to freight, and by these presents do grant and let to freight, all their said part and moiety of the said ship and premises, unto the said E. F. and G. H. for a voyage with her (by God's grace) to be made in the manner and form following.

That is to say, That the said A. B. and C. D. for them, their executors, administrators and assigns, *do hereby* covenant and grant to and with the said E. F. and G. H. for them, their and either of their executors and administrators by these presents, that the said ship (being already laden) shall with the first good wind and weather, after the date hereof (God permitting) sail directly from the said river of Thames to the port of Leghorn in Italy (the perils and dangers of the seas excepted) and there discharge such goods and merchandizes as shall be directed and appointed by the said E. F. and G. H. or one of them, their, or one of their factors or assigns, and from thence shall sail, and take her direct course, as wind and weather shall serve, with as much speed as may be (the perils and dangers of the sea excepted) to Venice, and there shall stay and abide the space of forty working days, next after her first arrival there, to unlade all such goods and merchandizes as shall remain on board for account of E. F. and G. H. after her delivery at Leghorn as aforesaid; and to relade such goods, wares, and merchandizes as the said E. F. and G. H. or either of them, their or either of their factors or assigns, shall think fit to charge and relade, aboard, and into the said ship, *that is to say*, so much as the said ship can conveniently carry, over and above her victuals, tackle, ammunition, apparel, and furniture.

And the said ship, with her said loading, shall with the first good wind and weather, after the expiration of the said forty days, sail and proceed from the city of Venice to London. And the said E. F. and G. H. for themselves, and either of them, their and either of their executors and administrators, do covenant, promise, and grant to and with the said A. B. and C. D. and either of them, their and either of their executors, administrators, and assigns, by these presents, that they the said E. F. and G. H. or any one of them, their, or one of their executors, administrators, or assigns, shall and will well and truly pay or cause to be paid to the said A. B. and C. D. or any of them, their, or any of their executors or administrators within the said city of London, for every ton of such wares and merchandizes as shall be laden or unladen in the said ship, during the said voyage, the sum of, &c. (counting the tonnage according to custom; or if a certain sum is agreed for the voyage, out and home, or so much *per month*) for the part and interest of the said A. B. and C. D. in the said ship, and for, and in respect of the freight and hire of their part of her; which said money is to be paid in manner and form following: *that is to say*, one third part thereof upon the right discharge of the said ship, and another third part thereof within the space of six weeks then next following, and the remaining third part thereof within the space of two months next ensuing after the end and determination of the said six weeks.

And the said A. B. and C. D. for them, and either of them, their and either of their executors and administrators, do covenant and grant to and with the said E. F. and G. H. for them, their and either of their executors and administrators, by these presents, that they the said E. F. and G. H. or any one of them, their, or one of their executors, administrators, or assigns, shall and will well and truly pay or cause to be paid to the said A. B. and C. D. or any of them, their, or any of their executors or administrators within the said city of London, for every ton of such wares and merchandizes as shall be laden or unladen in the said ship, during the said voyage, the sum of, &c. (counting the tonnage according to custom; or if a certain sum is agreed for the voyage, out and home, or so much *per month*) for the part and interest of the said A. B. and C. D. in the said ship, and for, and in respect of the freight and hire of their part of her; which said money is to be paid in manner and form following: *that is to say*, one third part thereof upon the right discharge of the said ship, and another third part thereof within the space of six weeks then next following, and the remaining third part thereof within the space of two months next ensuing after the end and determination of the said six weeks.

and

and G. H. their executors and administrators *by these presents*, that the said ship, for their part, shall be strong and staunch, and well and sufficiently tackled and apparelled, with sails, sail-yards, anchors, cables, ropes, gun-shot, artillery, gun-powder, and all other instruments, tackle, and apparel, needful and necessary for such a ship and for such a voyage, together with an able master, and sufficient number of mariners.

And to the performance of all, and every the covenants, grants, articles, and agreements, on the parts, and behalfs of every of the said parties, truly to be holden, performed, and kept, in all things as is afore said, the said parties to *these presents*, do bind themselves to one another: *that is to say*, the said A. B. and C. D. do *by these presents* bind themselves, and either of them; and their several executors and administrators, goods, and their part and interest in the said ship, with the furniture thereof, to the said E. F. and G. H. and to their executors and administrators; and the said E. F. and G. H. do in like manner bind themselves, and either of them, their and either of their executors, administrators, and assigns, and all their goods and interest in the said ship, to the said A. B. and C. D. their executors and administrators, in the sum or penalty of one thousand pounds, of lawful money of Great-Britain, by the party or parties infringing the said covenants, or any of them, to the other party or parties truly observing, to be paid by virtue of *these presents*.

The great variety of circumstances, which different voyages occasion, naturally produce a correspondent diversity in *charterparties*. From these proceedings, others may be formed, to answer every purpose required.

CHASE, in maritime affairs, is to pursue a ship, in order to come up with her.

CHASE-GUNS are those which are placed in the head and stern of the ship; the former are useful in chasing another, and the latter when she is chased or pursued.

CHASER. This is an ingenious branch of business; it being the raising of figures upon the case of watches, tweezers, the lids of snuff-boxes, and other toys; which is not done by casting, but is chased or imbossed. This is performed by having the figures to be chased cut deep in a piece of steel, and a thin plate of silver or gold being made of the proper form, and laid upon a piece of lead, the piece of steel, on which is the impression, is fastened to the end of a spindle, and is pressed with great violence upon the metal, when the lead giving way, and the gold or silver being pressed into all the interstices of the mould, swells into every hollow, and takes the impression of every figure. The ingenious *chaser* ought to be a very perfect master of drawing, especially small figures, in order to design his own moulds or stamps for the steel engraver.

The *chasers* business is divided into several branches; among which, that of chasing gold watches is one of the most profitable. The masters take from ten to twenty pounds with an apprentice; who, when out of his time, may earn upwards of twenty shillings a week, or with one hundred pounds may set up master.

CHATHAM, a moiety of the duty payable by foreign-built ships is to be applied to the use of the *cheft* at Chatham. 1 Jac. II. c. 18. Commissioners to purchase lands for the better fortifying of Chatham. 7 Ann. c. 26. And such lands now vested in trustees for that purpose. 8 Ann. c. 21.

CHATELS, or CATALS, comes from the Normans; for in the eighty-seventh chapter of their Grand Customary, we shall find that all moveable goods with them are called *chattels*; the contrary whereof is *fief*; *ibid.* which we call *fee*.

But as it is used in common law, it comprehends not all goods moveable, but such as are in the nature of freehold, or parcel thereof; as may be gathered out of *Stamf. Prærog.* c. 16. and *Stat. 1 Eliz. c. 2.* Howbeit Kitchen, in his chapter *Catalla*, fol. 32, faith, that ready-money is not accounted any goods or *chattels*, nor hawks nor hounds; the reason for hawks and hounds he gives, is because they are *feræ naturæ*; but why money is not, though he sets not the cause, yet it may be gathered to be, for that money of itself is not worth, but as by consent of men for their easier traffic, or permutation of things necessary for life. It is reckoned a thing rather consisting in imagination, than in deed. And here note, that *chattels* be either per-

sonal or real: personal may be so called in two respects; one because they belong immediately to the person of a man; as a bow, a horse, &c. the other, for that being any way withheld injuriously from us, we have no means to recover them but by personal action: *chattels* real are such, as either do not appertain to the person, but to some other thing by way of dependency, as a box with charters of land; the body of a ward, apples upon a tree, or a tree itself growing on the ground, *Crompt. justice of peace*, f. 33. b. or else such as are necessary, issuing out of some immoveable thing to a person, as a lease or rent for a term of years. And also to hold at will, is a *chattel* real.

CHAYE, SCHAI, or CHAY, is the smallest silver coin that is made, or current in Persia; some pretend that this is the *bisti*, which according to their reckoning makes one sol and six deniers Tournois, although it seems certain, that the *bisti* is not a real, but imaginary specie. The *chaye* is worth just four sols, seven deniers and one maille of France.

Clerk of the CHECK of his majesty's dock-yards, is an office of great trust. His duty is to keep exact accounts of the entry and discharge of all the seamen and artificers in his majesty's service at that port where he is appointed, to muster them frequently, and make particular notations of their absence, whether with leave or without; and by that means to regulate their wages and provisions. There is one allowed to every dock-yard in England, and in many places abroad, whose office is the same.

CHEDA, a pewter coin, made and current in the kingdom of that name, lying in the East-Indies, and in the neighbourhood of the great mogul's dominions.

There are two sorts of this money; the one of an octagon, and the other a round figure; the first weighing one ounce and a half, and passes in the country for the value of two sols Tournois; although on the footing of fourteen sols *per* pound of pewter, it ought not to be worth more than one sol and three deniers. The round *cheda*, worth four deniers, has eighty cowries, or Maldivian shells, given for it; both are received in the kingdom of Pera, of which the king of *Cheda* is also master.

CHEESE, the curd of milk, separated from the whey, and hardened by a slow heat. See BUTTER.

CHEESEMONGER. The boy designed for this business is under no necessity of having any extraordinary abilities; for as it merely consists in buying and selling, nothing more is necessary than writing a pretty good hand, and the knowledge of the common rules of arithmetic, together with honest principles and an obliging behaviour. The *cheesemonger* is a retailer of cheese, butter, bacon, and hams, and sometimes of eggs. His business is liable to several accidents, which are unavoidable; for, notwithstanding his utmost care, every commodity he sells suffers by being kept too long. His cheese lose their weight, his hams stink, his bacon grows ruffy. There are great drawbacks on his profit; however, where there is a good trade, and a quick return of money, the *cheesemonger* has a fair opportunity of growing rich.

Those of this business take with an apprentice from five to fifty pounds, and a person may open a shop with one hundred pounds. Though, if he deals wholesale, he may soon want ten times that sum.

CHEESE-FACTOR. The *cheese-factor* travels into the various counties of England famous for cheese, as Cheshire, Suffolk, &c. and buys cheese by commission of the farmers and dairymen. They are frequently wholesale cheesemongers. As factors, I think they take no apprentices.

CHEMIST, or CHYMIST. The youth designed for a *chemist* ought to have a solid judgment, a good constitution, and a large share of patience, to enable him to go through long and tedious processes, that often depend upon minute circumstances; he should be a curious observer of nature and unwearied in his application: but, above all, he ought to give the strongest testimonies, that he will prove a man of honour and conscience. For the *chemist* has many opportunities of imposing upon the public, by his knowledge of the secrets of nature, and his being able to imitate by art natural productions so nearly that their difference is not to be discerned by the nicest eye or palate. By this base and cruel practice, many of them acquire great sums of money; and thus, for the sake of amassing wealth,

wealth, not only cheat the public, but endanger the health, and even the life of the patient, by selling factitious for natural, or sophisticated for sound and duly prepared drugs. Men like these dishonour the profession; and ought to be ranked in the class of robbers and murderers.

The education of a boy designed for this business ought to be liberal and unconfined: he should be master of the Latin tongue; and perhaps he would not find his time ill employed in learning the German. He can scarce be fit to be put apprentice till he is sixteen years of age, which is young enough for him to be instructed in chemical preparations, or in dealing out drugs in a shop; when a mistake proceeding from rashness or ignorance may be fatal.

The *chemists* frequently compound and sell medicines; and are subject to the visitation of the college of physicians. They take from twenty to one hundred pounds with an apprentice; who may set up master in a handsome manner with five hundred pounds.

CHEMISTRY is an art, that teaches us how to perform certain physical operations, by which bodies that are discernable by the senses, or that may be rendered so, and that are capable of being contained in vessels, may, by suitable instruments, be so changed, that particular determined effects may be thence produced, and the causes of these effects understood by the effects themselves, to the manifold improvement of various arts.

CHERAFIS, or *tela*, are golden medals stamped in Persia, erroneously supposed by some to be a current coin, but the Persians make none of gold; so that all the money passing in that empire of this metal is foreign, and not coined there.

CHERAY, or CHAHY, a Persian weight used in trade; this is what is otherwise called the civil or common weight, and is double that named the legal weight.

CHERIBON is a city, where the Dutch have a well fortified factory, distant from Batavia forty-eight leagues by sea, and composed of near eight thousand families, in as many houses, some of stone, others of wood, but the greatest part of bamboos. This place produces a good deal of rice, timber, indigo, edible birds-nests, &c.

CHERIF, a small gold coin made current in Egypt, worth about four shillings sterling.

CHERMES, or KERMES, is a light, brownish red-coloured, shining, membranaceous bag, of the size of a pea, covered over with light down, or an ash-coloured dust, and filled with innumerable eggs or animalcula, which being squeezed between the fingers, pour out a dark reddish liquor, of a subacid bitterish taste, and not ungrateful smell. It adheres to the leaves and tender branches of a particular kind of oak, though it is said by Lister to have been found on the tender branches of cherry-trees. One pound of these grains yielded, upon distillation, six drachms of volatile salt: the *caput mortuum*, after calcination, afforded no fixed alkaline salt: hence it appears, that these grains are of an animal nature. Mr. Geoffroy has extracted a curious account of the manner of curing and preserving these animalcula for medicine and other purposes, from the memoirs of Mr. Reaumur, in vol. iv. of his history of insects.

CHERSONESUS, in geography, signifies the same as peninsula, being a part of land enclosed all round with water, except one narrow neck, or isthmus, by which it joins to the main land.

CHESHIRE, is justly famous for its cheese, of which, with Lancashire, part of Shropshire, and Staffordshire, it sends up to London yearly above seven thousand tons: all these are of a thick make, yet very different in their size and quality, though all are, without distinction, in town called *Cheshire cheeses*. These counties (but more especially Lancashire) likewise sell great quantities for Leeds, Sheffield, York, and Newcastle, besides what is consumed in Manchester, and shipped at Liverpool for Scotland, the Straights, &c. being not less than fifteen or twenty hundred tons. Nantwich, Middlewich, and Northwich, afford large quantities of salt: Macclesfield is noted for its fabric of buttons; as Congleton is for gloves: cattle are plenty, corn not scarce; and in many parts of the country are found metals and mill-stones.

CHEST, an uncertain quantity of merchandize, wine, &c.

CHEVISANCE, an agreement or composition made; an end or order set down between a creditor and a debtor; or sometimes taken for an indirect gain or booty. *Lord Verulam in his Hen. VII.* But in our statutes it is most commonly used for an unlawful bargain or contract.

CHICHIRI, or CHIRIRI, is seated higher than Aden in the Persian Gulph, and is the first city in Arabia Felix, where the Dutch used to trade before their corresponding with Aden.

This city has an Emir, or Arabian sultan for its sovereign, although tributary to the Turks, to whom he pays annually four thousand dollars, and twenty pounds of ambergris. The vessels from India, Persia, Ethiopia, and the Islands of Comorre, Madagascar, and Melinda, are those that mostly frequent this place, whose imports and exports are similar to those of Aden.

CHILD'S-COAT-MAKER. This branch of business is generally performed by women, and is a pretty profitable employ. They take ten or fifteen pounds with a girl; who ought to be ingenious, handy, and a tolerable needlewoman. The boning part is hard work for the fingers; but the rest is easy enough. As the apprentice must appear neat and genteel, and, when out of her time, must depend on a good acquaintance, this trade is not fit for the children of people in low circumstances; but for those a little above the vulgar it is a very proper one. A journeywoman may get one shilling a day in summer; but they are generally out of business some of the winter months.

CHILDREN, born out of the legiance of the British crown, whose fathers were natural-born subjects of the British crown at the time of their births, are to be deemed natural born subjects of the British crown, to all intents, constructions, and purposes. *7 Ann. c. 5. § 3. 10 Ann. c. 5. § 1. 4 Geo. II. c. 21. § 1.*

Except such children whose fathers at the time of their births were attainted of high-treason, or were liable to the penalties of high-treason, or felony, or returned into Great-Britain or Ireland, without the licence of his majesty, or were in the actual service of any foreign prince or state, then in enmity with the British crown. *4 Geo. II. c. 21. § 2.*

But if any children (unless those whose parents went out of Ireland in pursuance of the articles of Limerick) have come into any of the British dominions, and have continued there for the space of two years at any time between the 16th of November, 1708, and the 25th of March, 1731, and during such residence have professed the protestant religion; or if after such coming into the said dominions, and professing the protestant religion, they have there died within the aforesaid times; or if they have been in the actual possession or receipt of the profits of any lands, &c. in Great-Britain or Ireland for the space of one year, at any time within the aforesaid times; or have really sold or conveyed any lands, &c. in Great-Britain or Ireland; and any person claiming title thereto, under such sale or conveyance, hath been in the possession or receipt of the profits thereof for the space of six months, between the said times; they shall be deemed to be natural-born subjects of the British crown. *4 Geo. II. c. 21. § 3.*

Children born on board any ship belonging to, or in any place discovered or possessed by the South-Sea company, are to be deemed natural-born subjects. *9 Ann. c. 21. § 53. See ALIENS.*

CHILI. The kingdom of *Chili* extends from the frontiers of Peru to the Straights of Magellan, the distance being five hundred and thirty leagues. Those two kingdoms are separated by the desert of Atacamo, which extends eighty leagues between the provinces of the same name, being the last of Peru, and the valley of Copayapu, the first in *Chili*. Eastward, some parts of this kingdom terminate on the frontiers of Paraguay, though some uninhabited deserts intervene; and others confine on the government of Buenos Ayres, though between these are the Pampas, or extensive and level plains. Its western boundary is the South-Sea, extending from twenty-seven degrees nearly, the latitude of Copayapu, to fifty-three degrees thirty minutes south. But to confine ourselves to the true extent of this kingdom, as inhabited by the Spaniards, it begins at Copayapu, and terminates at the large Island of Chiloe, the southern extremity of which is thirty-four degrees of south latitude; and its extent from west to

east is the distance between the Cordillera, which is here of a stupendous height, and the coast of the South-Sea; that is, about thirty leagues.

The martial genius of the Indians of this kingdom, considerable retarded the reduction of it, and has always been the chief cause why the Spanish settlements here are so little proportionate to the extent, fertility, and riches of the country. The beauties of the parts adjacent to the city of Concepcion are enchanting, and the returns of nature, for the husbandman's toil, exuberant. The like profusion of natural productions is seen all over this kingdom. Its plains, eminencies, vallies, in short, the whole country, is an object of admiration. Every particle of earth, in this amazing fertility, seems transformed into feed. The country round Santiago, as it is not inferior in pleasantness and fertility to that of Concepcion, so also, from the great affinity to the climates, its products are nearly the same. Accordingly, some farmers wholly apply themselves to corn, others to fattening of cattle; some to the breeding of horses; others to the culture of vines and fruit-trees: the first find their account in plentiful harvests of wheat, barley, and particularly in hemp, which thrives here surprizingly. The second, by their large slaughters have great quantities of tallow, sole leather tanned, and Cardovan leather, grassa, charqui, and neat's tongues; the three last being no inconsiderable articles.

Besides the commerce carried on with Peru in these articles and many others, we must also mention that of metals, this kingdom abounding in mines of all kinds, but principally gold and copper. The most famous gold mine lies in a country east of Santiago: this gold was formerly highly esteemed, and found in great plenty: but now, on account of a whitish tinge, the value of it is considerably diminished. This mine, for the length of time it has been worked, is equal to the most celebrated in Peru. In the country of Yapel, which is situated in the same quarter, but farther to the northward, along the Cordillera, are also rich gold mines, and the metal twenty-three carats fine. In 1710, in the mountains of Lumpanqui, near the Cordillera, were discovered several mines of gold, silver, copper, lead, tin, and iron; and the gold between twenty-one and twenty-two carats fine; but the working, from the hardness of the stone, is very difficult and laborious. This inconvenience does not, however, occur in the Mountain Llavin, where the stone is soft, not less rich in metal, and equal in fineness to the former. Besides these, there are other gold mines, worked with good success at Tilti, near Santiago. Between Quillota and Valparaíso, in a part called Ligna, is a very fine rich gold mine, and the metal greatly esteemed. Coquimbo, Copayapu, and Guasco, have also gold mines, and the metal found in the two last, is, by way of pre-eminence, called *oro capote*, being the most valuable of any yet discovered. Another kind of mine of the same metal was also found in this kingdom, but was exhausted soon after it had elated the hopes of the undertakers with some rich specimens. Mines of this kind are very common, as well as another kind called *lavaderos*, which are pits dug in the angles of trenches made by rain, wherein it is imagined there may be gold; and, in order to discover the metal, a stream of water is turned through it, and the earth briskly spread, that the gold may be carried down with the current, and deposited in the pits. All the gold thus collected in *Chili* is brought to Lima to be coined; and by the accounts constantly taken, it amounts, one year with another, to 600,000 dollars; but that clandestinely sent by way of the Cordillera is said to be nearly 400,000; consequently the whole, must be at least a million. In the countries of Coquimbo and Guasco, mines of all kinds of metals are so very common, that the whole earth seems wholly composed of minerals; and it is here those of copper are worked; and from them all Peru and the kingdom of *Chili* are furnished with that metal. But though this copper exceeds every thing of that kind hitherto known, the mines are worked with great caution, and no more metal extracted than is sufficient to answer the usual demand; and other mines though known to be equally rich, are left untouched.

The country of *Chili*, near the Pacific Ocean, enjoys a fine temperate air, and a clear serene sky most part of the year. The rivers and springs are frozen up in the winter

season on the mountains, and those who pass the highest of them at any time of the year, feel an air so piercing and subtle, that it is with difficulty they breathe. There are, in this chain of mountains, a great many volcanoes, which sometimes break out, and cause very terrible and astonishing effects.

CHILOE. See PANAMA.

CHIMNIES. What duties payable for small and large backs of chimnies. 2 Will. and Mar. sess. 2. c. 4.

CHIMNEY-SWEEPER. His is a very disagreeable, though a necessary business: some, however, live very comfortably, and save money. They all take apprentices: and the younger they are the better it is for the master; since they are the fitter to climb narrow chimnies. These infant apprentices are parish-children, who are thus made to provide for themselves sometimes before they can speak plain. They commonly serve fourteen years; and, when out of their time, generally commence masters: for there are few journeymen of the business.

CHINA. This vast part of the globe, and the easternmost of Asia, is equally famous for its fertility, which furnishes in abundance wherewith to maintain an extensive commerce, and for the genius of its inhabitants, who more than any other people of the world, understand to employ in all sorts of manufactures and works the many rich products that grow, and are found in the fifteen provinces of this vast empire; which is rendered more adapted to trade, than any other eastern country, by the many rivers and canals that traverse all its divisions, and thereby facilitate the transport of its merchandize; and by the good ports, which six of its provinces have, being washed by the Oriental Ocean.

The Chinese politics making them fear, that a communication with strangers might corrupt their laws, never gave them any opportunity to attack their liberty under a pretence of trade; but for several thousand years, shut the entrance to their kingdom against all nations whatsoever, and were content with the interior trade carried on among themselves; but at last the emperor, having opened his ports to all the world in 1685, the Indians and Europeans were equally forward to improve the freedom of this new trade, which they have carried on ever since.

The Portuguese till then had been the only nation of Europe, who had carried on any sort of traffic directly to *China*, by means of their situation at Macao, and the Dutch were desirous of imitating them, when established in the Isle of Formosa; but having been chased from that post in 1661, they in a great measure renounced this commerce, or at least, like the English, only maintained it in the half-deserted isles, where the Chinese junks brought their merchandize, and returned with what they got there from foreigners.

It is true, that many Indian nations, and the Dutch themselves, were never without the products of *China*, but it was what the Chinese brought, who were permitted to go to other parts, at the same time that all others were strictly forbidden coming among them; and the places which the Chinese junks frequented most, and to which they still continue to trade, are Japan, the Manilles, Cochinchina, Achem, Malacca, Camboya, Siam, Tunquin, Patana, Jambi, Andragiri (in the Isle of Sumatra) Batavia, and some others.

The trade with strangers in *China* was not only open by sea, but their caravans were also admitted here, as well from the Eastern Tartars (who now govern the empire) as the Muscovites, who send yearly to Peking a very numerous one from Petersburg.

China is separated from the states of the grand Mogul, by sandy deserts absolutely impassable, and other provinces of India, by mountains very difficult to get over, which hinders almost all trade between these different kingdoms, except a very small one on the frontiers, though it is very difficult to know in what even that consists, as not one in a thousand in the capital knows any thing of what passes without the city. It is true, the Chinese have sometimes gone to Bengal, the Philippines, Batavia, and even to Goa; but this by stealth, and with the connivance of the mandarins, governors of the sea-ports, for a good sum of money, which the court were strangers to, notwithstanding it is absolutely forbidden to every subject of the empire,

pire, to go to any foreign part, on any pretence whatsoever, without a licence, or express order from the government.

The greatest part of the Chinese, spread in India to trade, are of the posterity of those who escaped from *China*, when the Mougalean Tartars became masters of it; and they have only a clandestine communication with the other Chinese, their countrymen.

There is no nation fitter for trade, or who understand it better than the Chinese, so that they let no profit slip, which commerce offers; trading in, and benefiting by all, with an admirable dexterity and skill, though not with that fidelity as is elsewhere regarded as the soul of trade; in a word, the Chinese are spread in Asia, wherever there is any thing to be got, with the characteristic of cheats, usurers, faithless, full of complaisance and subtlety to manage a good opportunity, and all this under the appearance of plain dealing and honesty, capable of deceiving the most attentive and suspicious; and they commonly say proverbially, that all other nations are blind in respect of trade, but themselves and the Dutch, which latter have one eye, but they two. As it has always been a maxim in the Chinese government, to encourage a great currency of trade throughout the whole kingdom, it may be said that all the people concern themselves in it; here being hardly any of the natives, even the mandarins, who are not engaged in it, at least in partnership with the merchants, to whom they advance their money, that it may go on increasing, and not lie idle.

One of the principal branches of commerce in *China*, as well at home as abroad, consists in silk and silk-stuffs, either plain or mixed with gold or silver, of which here is so great a plenty, that most of the people, and even servants, commonly go clad in satin or damask. Silk-worms are bred in almost all the provinces of the kingdom; but Nanquin and Chekiam (especially the latter) are those where most are gathered, and where most silk is manufactured, there not being one year in which they do not send to Pekin near four hundred barks loaden with cloth of gold (or tissues) damasks, satins and velvets, besides those made by the emperor's orders, for presents to his ladies, princes, and all his court; all the other provinces also pay a part of their tributes in silks and silk-stuffs, which are generally re-fold for the emperor's account, but when altogether, are not near the half of what Chekiam furnishes alone. It is in the province of Nanquin, that the most beautiful silks are made, and there most of the best artificers come to establish their fabrick, though foreigners hardly carry away any of these; but almost all the silks that the European's ship, as well wrought as raw, are manufactured at Canton, or in the province of which that city is the capital, and gives its name to.

There are made in *China* all sorts of silk-stuffs, either net or mixed with gold and silver, as in Europe, and many others peculiar to themselves; and they have wools in many provinces, of which they only make some serges, as they are ignorant in the manufacture of cloths, though they have these brought here, and very much esteem them, more especially those from England; yet they buy but little, as the cloths cost vastly more than the very finest silks that can be made here.

The Chinese have also various furs, even of the very finest, such as minevers, ermines, and martins; but they are all consumed in the country, in linings for men's or women's cloths (of which one only costs above two hundred and fifty pounds) caps, saddles, and other moveables.

The other merchandize exported from *China*, besides wrought and raw silks, are cottons in wool, thread, and linens made of them, brass in plates, and salmons, touteraque, tea, camphire, musk, flax, sugar, salt, ginger, sweet-meats, quicksilver, vermilion, lapis-lazuli, vitriol, ambergrease, rhubarb, galangal, *China-root*, mirabolans, *China-ink*, horses, porcelain, japanned works, potters works, proper for India; camblets, hemp, and hempen-linens, fine gold, pewter, iron, steel, and many instruments made of all these metals nicely wrought; in fine, precious stones, pearls, beautiful marble, aloes, rose, brazil, and ebony wood; jesuit's-bark brought from the Manillas; yellow and reddish amber. After the lacquered works of Japan, those of Fokien pass for the best; and though there are good artists in this manufacture at Pekin, yet they fall short of that beauty and perfection, so con-

spicuous in the fabricks of Japan and Fokien, as much as they exceed any thing of that nature attempted in Europe.

In regard of the merchandize proper for the trade of *China*, plate is as the basis, whether in dollars as they come from the Manillas, or in bars as the Dutch bring them from Japan; the Chinese, who have none, esteem it greatly, and willingly truck their gold, and best commodities, against it. Here it will not be improper to remark, that in this traffic, the difference between gold and silver is computed as one to ten, whereas the difference in Europe is as one to fifteen; so that great advantages are made by carrying the latter thither. Spice and pepper also find a good sale here, particularly the last; wherefore the Dutch always make it a part of their loading: there are also brought here, linens of various sorts, cloths, serges, estaminas of divers species and colours, of which the red, white, and black are most in esteem; fanders, elephant's-teeth, amber, and red coral, though pale.

What has been hitherto said of the Chinese trade, has been little more than the transactions of the inland part of this vast empire, by the inhabitants of the different provinces that compose it, together with some notice of that trade which foreigners, especially the Europeans, carry on here, since the emperor opened his ports to them; but the detail of the commerce which the Chinese carry on in their own ships in all parts of the East, may be seen recited under the article of CANTON.

State of the trade between Russia and China in 1721 and 1722.

Our commerce with *China* (says a Russian author) is at present in a pitiful condition, and nothing in the world could have prejudiced our caravans so much as the commerce maintained at Urga (the chain of the Western Mougalean camp, tributary to *China*) for from thence arrive at Pekin monthly, nay weekly, not only the same goods as our caravans convey there, but of a better quality, and carried in such quantities by the Chinese merchants, who are continually coming and going between Pekin and Urga, and those which the Lamas, or Mougalean priests, furnish on their part; all which makes the value amount to four or five times as much as a caravan going under her czarist majesty's name; besides, many are able to bring these commodities so much cheaper to market, than the necessary expences of a caravan will permit; and having not only the advantage of travelling cheaper; but also quicker, they have an opportunity to forestall the market, and sell goods before the caravan can arrive; it is therefore our author's opinion, that except the trade between Russia and Urga be prohibited, only with the allowance of carrying there cloths and Russian hides, the ruin of the caravans is certain and near, and which may in the end draw on that of all the Muscovite trade in those parts. The goods commonly brought from *China* to Russia are, small strung pearls, fine gold, various sorts of raw silk, damasks of different goodness, plain and flowered satins, several species of silk shagreen, spun-silk, cotton cloth, all sorts of green and bohea tea (which they might have in greater perfection in Russia, than in any other part of Europe, as the northern provinces of *China* produce by far the best, and the Muscovites have this by the way of Siberia; so that were they careful in its package, it would naturally retain a higher flavour than that which comes by sea from Canton; but their indolence leading them to a neglect of this precaution, their teas are generally tainted, and contract an ill taste, of which their delicacy renders them greatly susceptible) badianes, porcelain, carpets, silk flowers stuck on paper, and some tobacco. The commodities sent from Petersburg to *China*, are jewels of several sorts, fables, white and common fox, lynx, beavers, ermine, minever, badger, and seal-skins, with some teeth of this last animal.

CHINA-MAN. He principally deals in foreign, but sometimes in glass and the finer sorts of home-made earthenware. This is reckoned a genteel business, and requires a large stock to set up, especially when the *China-man* sells tea, as many of them do. Their apprentices, like those in mere shop keepers families, live easy lives, the menial servants doing the drudgery; and they take none with less than

than forty or fifty pounds, and some in great business require upwards of one hundred pounds.

There have of late years been made several successful attempts to imitate the porcelain, and some have been made extremely beautiful; but it will not in general keep of a pure white, when long used. However, that manufactured at Bow in Essex answers extremely well, when covered with a full colour; and there is a great demand for it in plates, sauce-boats, and chimney ornaments. That made at Chelsea holds its colour better, and in the beauty of the painting greatly exceeds the foreign.

CHINA-WARE. See PORCELAIN.

CHINA, CHINÆ, the bark, called *Peruvian-bark*. This celebrated drug is described by Geoffroy with great exactness. It is a very dry bark, two or three lines thick, rough on the outside, of a brown colour, sometimes almost covered with a whitish moss: its inside is smooth, of a reddish or rusty iron-colour, and intensely bitter taste, somewhat astringent, accompanied with an aromatic flavour, which is not disagreeable. Sometimes it is brought over in thicker pieces, three or four or more inches long: this is taken from the trunk of the tree. There is another sort, which is not so thick as this, and rolled up in small quills, with several transverse clefts or cracks, covered with moss, of a cinnamon colour on the inside: this is taken from the small branches. There is another sort which is in lesser pieces than this, of a yellowish colour on the inside, and whitish on the outside: this is said to be taken from the root, and is esteemed by the Spaniards in America as preferable to the other sorts. The best sort of bark of is a reddish yellow colour, resembling that of cinnamon; but has somewhat of a dusky cast: it should be chosen fresh, of an aromatic, not disagreeable, bitter taste, and which easily breaks, and then appears full of shining resinous particles. *Lewis.*

CHINA-ROOT. There are two kinds of this root in the shops; one is brought from the East-Indies, the other from the west. The Oriental, which is the only sort here intended to be used, is a thick jointed root, of the reed kind, heavy, woody, full of unequal knots. Its bark is of a brown colour, with somewhat of a reddish cast: the inside of the root is white, with a reddish tinge. It has very little taste or smell. That which is fresh, close, solid, heavy, neither worm-eaten nor rotten, and which, upon being chewed, appears to be full of a fat unctuous juice, is to be chosen for medicinal purposes. *Lewis.*

There is no question of its being a sudorific and an attenuant, and therefore calculated to do great service by a continued use in many chronic cases. It has been given in decoction, and is usually combined with sarsaparilla and guaiacum; an ounce of it sliced thin is the usual proportion to a quart.

CHIOPERA. See BENGAL.

CHOCOLATE, a kind of cake prepared of cacao-nuts and other ingredients. It would be too tedious to give an account of the different methods used by different nations in preparing *chocolate*. Benzo gives us the recipe commonly followed by the Americans. Le Fevre gives us an account of the method used by the Mexicans; and, in short, different authors inform us of the various methods used by different nations. According to Herman, the richer and more opulent inhabitants of Spain prepare it in the following manner:

“Take of excoriated, clean, and roasted cacao six pounds; of cinnamon half a pound; seven vanillaes, dissolved in syrup; six or seven cloves; of meal of Indian corn half an ounce; of Spanish pepper one drachm; of arnotto, in order to give it a reddish colour, two drachms, dissolved in rose-water, or syrup of roses; of sugar a sufficient quantity, or about three or four pounds; beat and mix all together in a vessel placed over a gentle fire; stir them constantly, till they are intimately mixed; reduce it to a mass; and if you have a mind, add a proper quantity of musk, or of the essence of ambergrise.”

In Meisner we have the receipt of Barthol. Marradan, that celebrated Spanish physician, which is as follows:

“Take seven hundred cacao-nuts; of the finest white sugar half a pound; of cinnamon two ounces; of Mexican pepper fourteen grains; of cloves half an ounce, of vanillaes, half a scruple, or in their stead two ounces of anise-seeds; and of arnotto the bulk of a nut: to these

some add a little orange-flower water, and one grain of musk or ambergrise.”

In the Memoirs of the Royal Academy of Sciences, we are told that *chocolate* is prepared of “a pound of cacao, roasted after the husks are taken off, with an equal quantity of sugar, two drachms of cinnamon, and half a drachm of vanillaes.”

This composition, when subjected to distillation, yielded eight ounces and four drachms of oil; and what remained after distillation, yielded two drachms and eight grains of lixivial salt. *Hamel. Hist. Reg. Scien. Academiæ.*

Le Fevre prefers the following recipe, taken from Lémery, to all the other methods of preparing *chocolate* used in France:

“Take two pounds of cacao-nuts decorticated, roasted, and reduced to a paste; with which mix one pound and a half of powder-sugar; to these are added a scruple and a half of vanillaes, four cloves, half a drachm of cinnamon, one grain of amber, and half a grain of musk, reduced to powder.”

At present the pepper and Indian corn are, for the most part, rejected by the Europeans in making *chocolate*; and in Spain and Italy, the species, which is prepared without the vanillaes, is called *chocolita sanitatis*, because it is thought less hot than the other kinds. In the American islands belonging to the French, the vanillaes, though there produced in great plenty, are not used in preparing *chocolate*. But because many love chocolate of a pungent taste, some, in the room of the vanillaes, substitute other acrid aromatics, such as pepper, ginger, and others of a like nature. The most simple of all the methods of preparing *chocolate* used in Europe, is directed in the *Pharm. Augustan.* thus:

“Take cacao-nuts, gently roasted, decorticated, and reduced to a fine powder; let two parts of this powder be reduced to a paste, with one part of white sugar, and dried in a gentle heat.”

Whoever has a mind to inform himself more fully of the various ingredients used in preparing *chocolate*, let him consult Meisner, Caldera, Du-Four, and Pifo. As for the goodness of the *chocolate* commonly sold, that is generally thought best, which entirely dissolves in the liquor with which it is made, without leaving any sediment. In Spain, the *chocolate* is thought best that is pierced by worms, which are said to be fond of none but what is good. *Reaumur.*

The effects of *chocolate* on our bodies, whether produced by its nutritive, or stimulating quality, ought to be determined from a joint consideration of the aromatic ingredients which enter its composition, and of the nature of the liquor in which it is dissolved for use. Its nutritive quality is diminished by the addition of a large quantity of aromatics, since by that means it becomes too hot. It is also too hot when dissolved in wine, except in those remote northerly regions, where the inhabitants are accustomed to a hot regimen. When prepared with milk, it nourishes more than in any other form; but it seems at the same time to load the stomach too much. By the addition of an egg or two, which is the custom with some people, its nutritive quality is augmented.

Water therefore seems, of all others, to be the best vehicle for *chocolate*, since by its dilution it must of course promote the distribution of its nutritive principles. As for the quantity of *chocolate* to be drank at a time, it is commonly determined by the person who drinks it. Calmenero de Ledesma, a celebrated Spaniard, affirms, that between five and six ounces of it may be drank, without being injurious to the constitution. And that larger quantities are not prejudicial to such as are not accustomed to it, is plain, from daily experience, especially in cases where the stomach becoming empty, requires fresh supplies. They who drink the gross substance which subsides to the bottom, imagining it to be the most nutritive part of the *chocolate*, are grossly mistaken, and by that practice considerably injure their health; since, according to the last-quoted author, it is only the terrestrial part of the cacao, which, by creating obstructions, disposes to melancholic disorders.

Chocolate, ready-made, or cacao-paste, prohibited to be imported after 24 June, 1724, upon forfeiture, with double the value, and the package. 10 Geo. 1. c. 10. §. 2.

Made

Made in Great-Britain, the makers to enter it at the next office in writing, and upon oath; if within the bills of mortality, every week; and in any other part of Great-Britain, every six weeks, upon forfeiture of fifty pounds. 10 Geo. I. c. 10. f. 17.

The duty not paid within the time limited, the penalty is fifty pounds, and not to deal till the duty be cleared off; upon forfeiture of treble the value. 10 Geo. I. c. 10. f. 18.

To be inclosed in papers containing one pound each, and must be produced at the office, where entered, to be stamped. 10 Geo. I. c. 10. f. 19.

Counterfeiting the stamp, or selling it (knowingly) with such a stamp, or affixing stamped papers taken from the *chocolate* that has paid the duty, on such as has not; the penalty is fifty pounds, and twelve months imprisonment. 10 Geo. I. c. 10. f. 22. 11 Geo. I. c. 30. f. 13.

Damaged by lying by, may be opened in the presence of an officer, and the stamps returned; and after worked over again with fresh cacao-nut, be re-stamped, upon paying duty only for what is added. 11 Geo. I. c. 30. f. 14.

But proof must be made before the collector, or a justice of peace, that the duties for the cacao-nuts have been paid, and that the *chocolate* had been formerly entered. 11 Geo. I. c. 30. f. 15.

Upon three days notice given to the officer of that division, private families may be permitted to make *chocolate* for private use; provided not less than half an hundred weight of cacao-nuts be made into *chocolate* at one time. 10 Geo. I. c. 10. f. 23, 25.

But within three days after finishing, must be entered upon oath, brought to be stamped, and duty paid; in default thereof forfeited, and treble the value. 10 Geo. I. c. 10. f. 24.

For other circumstances, *vide* ARRACK, CACAO-NUTS, COFFEE.

CHOCOLATE-MAKER. As the making of *chocolate* is hard work, mostly performed over a charcoal-fire, which is apt to affect some constitutions, the boy who is to be put apprentice to it ought to be strong and hardy.

The nut being stripped of its thin shell is worked upon a stone, till it is equally mellow, and then put into tin moulds, in which it hardens, and from them receives the form of cakes. To perfume it, they mix it with vanilla.

About fifty pounds will set up a master who sells only by retail; but, if he has considerable dealings, he may employ in trade several hundreds.

CHOPHINE, a liquid measure in France, containing, according to Lemery, fifteen ounces and a half of water; but the *Diët. Trev.* makes it to consist of sixteen ounces.

CHORASAN. The *Chorasán* is, beyond contradiction, the finest, richest, and most fruitful province of all Persia; and as the climate of this country is excellent, and the most temperate of any in this empire, nothing in these parts can equal the fertility of its soil. All sort of exquisite fruits, cattle, corn, wine, and silk, thrive to a miracle: mines of gold, silver, and precious stones are not wanting, and, in fine, all that can render a place rich and agreeable this province abundantly possesses.

The city of *Mesched*, or *Meschet*, situated on a little river which falls into the Kurgan, was once in a very flourishing condition, by the many considerable manufactures of gold and silver brocades, with other stuffs, settled here. The earthen-ware of this place was also very much esteemed, besides which a great trade was carried on here in those beautiful grey lamb-skins with curled wool, finer than silk itself: and it was in every respect a very rich, stately, and populous city, till the Usbeck Tartars plundered and left it in a miserable forlorn condition. Its adjacent parts are, however, the most charming of any in the world, and produce in abundance all sorts of exquisite fruits and greens, as its neighbouring mountains do turquoises, and even rubies.

Herat is at present the finest and largest city of all this province, since the ruin of the last mentioned, which was the capital; it is rich, fair, and populous, and produces the handfomest carpets of all Persia; here are also made several sorts of valuable stuffs and brocades; and, in a word, this is the staple of almost all the commerce carried on be-

tween Persia and India, as it lies in the route from Isfahan to Candahar.

CHRISTIANA is a city about a hundred and thirty-seven years old, the residence of a viceroy, bishop, grand bailiff, and is the high court of Norway; from hence are shipped the greatest quantity of the best deals in this country; and besides, it has an alum, and a stuff manufacture.

CHRISTIANSAND, built about a hundred and twenty year ago, is the seat of a bishop and grand bailiff; its chief exportation timber, and a few deals, mostly ill sawn.

CHRISTIANSUND was called *Faarfund*, until 1732, when the late king gave it its present name; its yearly exports are about two thousand barrels of tar, some bad pitch, (of which they have little in Norway), stockfish, ten thousand barrels of cod and ling, forty eight thousand barrels of herrings, some few deals, train-oil, and salmon.

CARISTIANA, a silver coin of Sweden, value seven-pence sterling.

CHRYSALITES, in natural history, a figured stone, of a glittering gold and iron colour, like the *ammonis cornu*, hard and rough, with multitudes of circular striæ, and furnished with three or four circumgyrations.

CHRYSOCOLLA, a substance much used by the ancients, particularly in folding gold.

Some confound the *chryscolla* of the ancients with the *borax* of the moderns; but the former is very different from the latter, agreeing only in their common use, that of folding gold. The native *chryscolla* of the ancients was a sparry substance, so highly impregnated with copper, that it might be called a copper ore. It was found in the form of powder, or of a green sand, in the mines of that metal, and in those of some other; but, as the ancients observed, never, unless there was copper in them. The ancients had also a factitious *chryscolla*, but very different from our refined borax. This was of two different kinds; the one of them a preparation of the native *chryscolla*, above described; and the other a preparation of verdigrise.

CHRYSOLITE, a green diaphanous gem, of a glittering splendor like gold.

The stone termed *chrysolite* by the ancients is called *topaz* by the moderns. See TOPAZ.

CIDAIU, in the Island of Java, three leagues from Touban, is a fine old city, with above six thousand houses, having formerly had a king of its own, and trades greatly in rice, which grows here in abundance.

CIDER, or *CYDER*, the juice of apples made spirituous by fermentation. The apples are gathered in autumn, when they are ripe; then they are ground in a mill, the juice is pressed out, and left to ferment in hogheads, &c. There may be as many sorts of *cider* made, as there are different sorts of apples. When the juice of apples has not been well purified, it soon corrupts; because the dregs, which remain mixed with the liquor, are small pieces of the apples themselves, and give the *cider* an unpleasant rotten taste. In order to purify it, some use singlass dissolved in wine; and, to prevent the *cider* from growing sour, they put mustard into it. Others draw off what is clear into earthen or glass bottles, which are afterwards well corked.

Apples of a harsh and bitter taste are best for *cider*, because they contain much essential salt, proper for separating the oily parts from the dregs. Besides, these apples supply the *cider* with a sufficient quantity of tartarous parts, to hinder the spirit from evaporating; and hence this *cider* is stronger, more pungent, and will keep the longer. On the contrary, sweet apples being deficient in these particulars, the *cider* made from them quickly dies.

Cyder is good and wholesome, provided it be used with moderation; and may be said, in general, to be better for the health, because its spirits are not so impetuous, nor so much agitated as those of wine; and are besides detained and moderated by a great quantity of viscous phlegm, which still contributes to make this liquor moistening and cooling. We know, by experience, that those who drink nothing but this liquor are stronger, more healthy, and look better than those who drink wine; of which lord Bacon gives a remarkable instance: of eight old people, says he, some were near, and others above a hundred; who, during their whole lives, drank nothing but *cider*,

and were so vigorous, that they danced and jumped about like young men.

The duties granted upon *cider* and *perry*, by an act made in the third year of his present majesty's reign, are repealed by an act in the sixth year of his said majesty's reign, for granting other duties on *cider* and *perry* in lieu thereof; and for more effectually securing the duties on *cider* and *perry* imposed by several former acts.

The preamble to this act sets forth, That great inconveniencies having arisen from the manner of laying and collecting the said duties, for remedy thereof, and in order to maintain his majesty's revenue, and secure a proper and sufficient fund towards payment of such incumbrances as are now charged on those and other duties by the said act passed in the third year of his majesty's reign, it is therefore enacted, that the duties granted by the said act are to cease from and after the fifth of July, 1766; as also all the powers and regulations established by the said act, together with the act of 4 Geo. III. except as to arrears or penalties incurred before that time.

In lieu of the duties so repealed, the following new or additional duties are to take place; viz. on all foreign *cider* and *perry* imported, three pounds *per* ton; and on all *cider* and *perry* made in Great-Britain, and sold by retail, six shillings *per* hoghead, to be paid by the retailer; and on all *cider* and *perry* made in Great-Britain, and consigned to any factor for sale, sixteen shillings and eight-pence *per* hoghead, to be paid by the factor.

All persons receiving any *cider* or *perry* into their custody, for sale, are deemed factors, and chargeable with the said duty; unless the same was made from fruit of their own growth, or were otherwise duly charged. Where it shall appear that the duties have been before duly charged, the factor and retailer are not to be charged anew; and the factor having paid the duty of four shillings *per* hoghead, granted by the malt-act of this session, is to stand discharged of so much in the new duties.

Masters of vessels, carrying *cider* or *perry* coastwise, are to make report thereof to the proper officer of excise, within three days after their arrival in port; distinguishing in the account the persons and places from whence sent, and where and to whom consigned, on penalty of twenty pounds for every such neglect, or refusal, or delivering, &c. the same otherwise than as consigned. The *perry* and *cider* are to be landed within twenty-one days after arrival, on forfeiture thereof.

Factors are to enter, at the next office of excise, their names and storehouses, three days before they make sale of any *cider* or *perry* consigned them, on forfeiture of fifty pounds for every unentered storehouse made use of; and they are subject to all the regulations, penalties, and provisions, which dealers in, and retailers of, *cider* and *perry* are subject to.

Dealers in, or retailers of, *cider* and *perry* made and sold in Great-Britain, from fruit of their own growth, are to pay six shillings *per* hoghead.

Persons buying *cider* or *perry*, or fruit to make into *cider* or *perry*, and selling what they so buy or make, are deemed retailers; and, where one dealer or retailer shall purchase of another, in order to sell again, and the duties shall be certified for, the additional duty of six shillings *per* hoghead on retail is not to be charged; nor where any *cider* and *perry* shall be sold by the maker in less quantity than twenty gallons to the dealer or retailer.

Dealers in, and retailers of, *cider* and *perry*, from fruit of their own growth, are subjected to like regulations, penalties, and provisions, as other dealers and retailers.

No *cider* and *perry*, made in Great-Britain, is liable to a higher duty than sixteen shillings and eight-pence *per* hoghead.

Dealers, retailers, or factors, sending *cider* or *perry* from the maker to the contractor, without the duties charged, and a certificate, forfeit fifty pounds.

These duties are to be drawn back, on exportation and distillation; and also where *cider* or *perry* become unfit for sale as such, and shall be charged with the duties on vinegar.

The penalty of obstructing officers in the execution of their duty, or rescuing or staying *cider* or *perry*, after seizure, is forty pounds.

The powers, &c. of the act 12 Car. II. or any other act relating to the revenue of excise, are extended to this act; and the fines, penalties, and forfeitures are to be recovered, levied, or mitigated, as the laws of excise direct; one moiety to the crown, and the other to the prosecutor; and these duties are to be under the receipt and management of the commissioners and officers of excise in England and Scotland respectively, and to be paid into the exchequer, apart from all other duties; and to be applied and issued as the former duties.

In pleading the general issue, the defendant or defendants shall have treble costs, the plaintiff or plaintiffs being non-suited, &c.

CINNABAR. *Native cinnabar* is a ponderous mineral substance, found in Spain, Hungary, and in several other parts of the world. There are many kinds of it to be met with in the repositories of the curious: but we shall only take notice of such as are esteemed the best for medicinal purposes. The finest sort is brought from the East-Indies: this is of a red colour, which greatly improves upon being ground into a fine powder: there is another sort of a good colour, in roundish drops, smooth on the outside, and striated within. This substance appears, upon a chemical analysis, to be composed of sulphur and mercury, in such a manner that the quantity of the latter is commonly above six times greater than that of the former. The finer the colour of the *cinnabar* is, the more of mercury it is found to hold.

Native cinnabar is by many preferred to that made by art: but there does not appear to be any good foundation for this preference. Geoffroy relates, that he has observed nausea, vomiting, and anxiety occasioned by the native; which he attributes to arsenical particles associated with it, and from which it could not be freed by repeated ablutions: he therefore justly prefers the *facitious cinnabar*. Lewis.

Artificial or facitious cinnabar is prepared in the following manner: take of pure flowers of sulphur, one pound; melt it under a chimney in an iron pot or ladle, so as it may be just fluid; then put to it, by little at a time, three pounds of crude mercury, stirring them till no mercury appear; then let them cool: powder the mixture, and put it into a wide necked oval bolt-head luted, or rather an oval earthen jar, coated; place it over a naked fire, in such a manner that it do not push the *cinnabar* too high; increase the fire gradually to the fourth degree, and the *cinnabar* will be separated in a cake above the *faces*.

It is to be observed, that in stirring the mercury and sulphur together, there frequently happens a considerable explosion, and the mixture takes fire, especially if the operation be somewhat hurried. This phenomenon is probably owing to the sudden rarefaction of the water, which is often contained, and that in no small quantity, in mercury, as it comes to our hands.

Whatever vessel is made use of in the furnace, great care should be taken that the matter sublime not up into the neck, so as to block it up; for, if this happen, it will soon burst to pieces, to the certain loss and hazard of the operator.

If *cinnabar* be designed as a pigment, great care should be taken to give it as bright and lively a colour as possible. This depends upon using but little sulphur and a quick fire. If, after the ethiops is made, it be gently calcined on an iron plate, with a gentle fire, stirring it all the time, a considerable quantity of crude sulphur may be evaporated: if then the mixture be sublimed, it will yield a much purer and finer coloured *cinnabar* than can be otherwise obtained. Hoffman gives a curious method of making *cinnabar* without sublimation, in his *Physico Cham. Observ.* 4to, p. 250. It is by shaking or digesting a little mercury in volatile tincture of sulphur.

CINNABAR of antimony. The ingredients and process for making *cinnabar of antimony* are the same, as with those delivered under *butter of antimony*, till the butter is all extracted; after which the fire must be heightened to the fourth degree, and continued so for two hours, which will raise the *cinnabar* into the neck of the retort. When all is cold, break the retort, and take out the *cinnabar*. It has of late been introduced into practice, as a powerful medicine, and capable of affording relief in fevers, attended with symptoms of an affected brain.

CINNAMON is a light, reddish, thin bark, rolled up in long quills or canes, of a fibrous, woody texture, inclining to red, not unlike rusty iron, of a most fragrant, delightful smell, and a sweet, pungent taste. The virtue of this bark is said to be contained in the inner pellicle, or skin. *Cinnamon*, if distilled when fresh, yields a large quantity of essential oil: that which arises at the beginning of the distillation is pale, almost colourless, and swims upon water: that which follows is of a yellow reddish colour, and sinks in water: they are both very limpid, of an exceeding fragrant smell, and an extremely biting taste; so as not to be applied to the tongue without great danger, unless cautiously diluted. Dr. Sars says, that the oil of *cinnamon* kept for twenty years in a well-stopped glass, was partly changed into a salt. *Lewis*.

The greatest cheats in the sale of *cinnamon*, are the selling fuch, being dried again, as has already had its essential oil distilled from it, and imposing the *cassia lignea* in its place. The first of these is discovered by the want of pungency in the *cinnamon*; the second by this, that the *cassia*, when held a little in the mouth, becomes mucilaginous, which the true *cinnamon* never does. The *cinnamon* is the interior or second bark of the tree which produces it: the people who gather it take off the two barks together, and immediately separating the outer one, which is rough, and has very little fragrantcy, they lay the other to dry in the shade in an airy place, where it rolls itself up into the form we see it. See **CEYLON**.

There is a thin membrane very observable on the inner surface of the *cinnamon*, which is truly a third bark. It is of a vastly more acrid taste than the rest, and is almost alone what contains the oil of the drug. Hoffman found that it yielded, upon distillation, six times as much oil of *cinnamon*, as the common *cinnamon* taken in gross. Our *cinnamon* and the *cinnamon* and *cassia* of the ancients are all three the same thing; their *cinnamon* was the smaller branches cut off and fold to them, wood and bark together; and their *cassia* the bark of the somewhat larger branches stripped off and fold separate. There is as much difference even now between the *cinnamon* of Ceylon and that of Malabar and Java, between that which grows in good soils and that in bad, and between that of the cultivated and that of the wild trees, as between the several kinds of *cinnamon* described by the Greeks under their several names.

All the virtues attributed by the ancients to their *cinnamon* are found in ours. It is an astringent in the *primæ viæ*; but in the more remote seats of action it operates as an aperient and alexipharmic. It stops diarrhæas, promotes the menses, and hastens delivery. It strengthens the *viscera*, assists concoction, dispels flatulencies, and is a very pleasant and powerful cardiac. It may be given in powder from ten grains to twenty; but it is more frequently given in the form of a decoction, tincture, or infusion. Besides its being an ingredient in many of the compositions of the shops, it is in such esteem as to be given in the form of a simple and a spirituous water, a tincture, and an essential oil.

Oil of *cinnamon* is distilled in the usual way of essential oils with water. What oil we have is usually distilled in the East, and brought over for sale in Europe: and the reason is very evident; for it is found, that though *cinnamon*, when fresh taken from the tree, affords a very considerable quantity of oil, yet, when dried and kept some time, it yields less and less, and, after a few years, scarce any at all. In the distillation of this bark there are properly two kinds of oil; the one, which is of a very pale yellow, swims on the surface of the water; but the other, of a reddish colour, which sinks to the bottom. They are both equally fragrant, acrid, and pungent in the mouth.

CINNAMON water, aqua cinnamomi. There are two sorts of *cinnamon water*, the strong and the simple.

Strong *cinnamon water* is made in the following manner: bruise a pound of choice *cinnamon*, and pour on it a gallon of proof-spirit; let it stand in digestion three days, shaking it from time to time; then pour it into a still, and with it a gallon of water, and draw off a gallon.

Simple *cinnamon water*, is made by digesting a pound of fine *cinnamon* grossly powdered in two gallons of water for twenty-four hours, and then drawing off a gallon by di-

stillation. *Cinnamon* is reckoned among garbleable spices by *Stat. 1 Jac. c. 19*.

CINQUE-PORTS, are those special havens that lie toward France, and therefore have been thought fit by our kings, from time to time, to be such as ought most vigilantly to be guarded against invasion: in which respect the places where they are, have an especial governor or keeper, called, by his office, *lord warden of the cinque-ports*, and divers privileges granted unto them, as a particular jurisdiction, their warden having the authority of an admiral among them, and sending out writs in his own name. Crompton, in his *Jurisdiction*, fol. 28. nameth *Hastings*, *Rumney*, *Rye*, *Dover*, *Sandwich*, *Winchelsea*, and *Hythe*; whereof some, because the number exceedeth five, must either be added to the first institution by some later grant, or be accounted as appendants to some of the rest.

Camden tells us, that Kent is accounted the key of England; and that William, called the Conqueror, was the first who made a constable of Dover-castle, and warden of the *cinque-ports*, which he did to bring that country under a stricter subjection to his government; but king John was the first who granted the privileges to those ports, which they still enjoy: however, it was upon condition that they should provide a certain number of ships at their own charge for forty days, as often as the king should have occasion for them in the wars, he being then under the necessity of having a navy for passing into Normandy, for recovering that dukedom, which he had lost. And this service the barons of the *cinque-ports* acknowledged and performed, upon the king's summons, attending with their ships the time limited at their proper costs, and staying as long after as the king pleased at his own charge. *Somner of Rom. Ports in Kent.* The *cinque-ports*, as we now account them, are *Dover*, *Sandwich*, *Rumney*, *Winchelsea*, and *Rye*; and to these we may add *Hythe* and *Hastings*, which are reckoned as part or members of the *cinque-ports*: though by the first institution, it is said that *Winchelsea* and *Rye* were added as members, and that the others were the *cinque-ports*. There are several other towns adjoining that have the privileges of the ports.

The *cinque-ports* have many privileges, liberties, and franchises, which may be seized and forfeited for a misdemeanour.

CIPHER, or CYPHER, one of the Arabic characters or figures, used in computation; formed thus, 0.

A *cipher* of itself signifies nothing; but, when placed at the left of other characters in whole numbers, it augments their value ten times; and, when placed to the right in decimal arithmetic, they lessen their value in the same proportion.

CIRCULAR Sailing, is the method of sailing by the arch of a great circle.

CIRCULATION, in its common acceptation, signifies the act of moving round, or in a circle.

The *circulation* of all the goods and commodities in a state is carried on by undertakers, and all at an uncertainty. The farmer who sows his corn, and feeds his flocks upon his farm, does not know what prices the commodities will bear, since they may be scarce or plenty in a state, according to the goodness or badness of the season: if there be a great plenty, there will be too much for the consumption of the year, and an overplus to serve the next year; and so the farmer's commodities will be cheaper: if there be a scarcity, they will be dearer. Thus the farmer is an undertaker, who carries on his business at an uncertainty.

The consumption of the farmer's commodities not being in his village only, but a good part of it in the nearest city, he cannot go to the city, and sit down there to retail his commodities, without neglecting the business of his farm: nor will the proprietors of the city, or the artizans and mechanics, and others there, buy so much of his commodities as they will consume in their families in a year; their families may increase or decrease within the year, and may consume sometimes more, sometimes less, of each commodity, and few or none of them are able to lay up a year's provision for their families: so that several others set up for undertakers, and give a certain price for the farmer's commodities, and retail them at an uncertain price. Such are the merchants of corn, wool, wine, butchers, tanners, &c. and all these undertakers work at an uncertainty, and bankruptcies happen frequently among them.

them. It is impossible for any of them to know the consumption of the city he is in, because he cannot know the increase or decrease of the inhabitants within the year, and because the same families consume sometimes more and sometimes less of each kind in a year; and, because of the rival undertakers in the same trade, some finding more favour and confidence from their customers than others.

In like manner, the undertaker who has bought the farmer's wool at a certain price, is not sure of the price he shall have for it from the undertakers of the woollen manufacture. That price may vary in proportion to the plenty or scarcity of wool, with regard to the demand for its consumption, and this consumption cannot be previously known or computed. In several families they do not know themselves how long the fancy will hold them to wear the same cloths, nor what sort of cloth they will wear next. The undertaker of the manufacture runs the same hazard, besides that of the change of mode and fashion, which may occasion his having several unfashionable stuffs lie upon his hands, to be sold off at under-prices.

The retailers and shop-keepers of all kinds, are also undertakers, and sell at uncertainty. What encourages and maintains them in a state is, that their customers, or the consumers, chuse to give something more to find what they want ready to their hand, when they have the fancy or means to buy, than to make a provision of those things at the first hand; for some of the consumers want means to make a yearly provision beforehand, and few care to confine their fancy, which is so liable to vary, when, for a small addition of price, they may please themselves, and determine their humour in a shop, at the very time they come to the consumption. Thus no body cares to bespeak cloth for his family at the manufacturers a year beforehand, when he may, for a small matter more, please himself, when he has occasion, at a woollen-draper's shop. The undertakers become consumers and customers one in regard to the other: the woollen-draper to the wine-merchant, or brewer, and the wine-merchant to the woollen-draper; and thus is carried on the indefinite *circulation* of traffic in societies.

The other undertakers, as mine-adventurers, merchants of all kinds, whether adventurers or shop-keepers, undertakers of public-houses, coffee-houses, pastry-cooks, hackney-coaches, &c. subsist by undertaking at an uncertainty, and proportion themselves in number to the demand of the consumers and customers. If there be too many hackney-coaches with regard to the customers who employ them, some of them must break, or put down their coaches; if too few, new ones will be erected.

The master tradesmen, or undertakers, who keep journeymen at work, as shoe-makers, tailors, peruke-makers, &c. and the undertakers of their own labours, as tinkers, chimney-sweepers, &c. subsist also at an uncertainty, and proportion themselves in number to the demand, and to their customers. If a tinker keeps an account of what he earns in one year (suppose twenty pounds) and in another year (suppose fifteen pounds) it will answer the same thing as if he were said to have twenty pounds wages from his customers in one year, and fifteen pounds in another: but, as he is an undertaker, his wages are uncertain.

The like may be said of higher undertakers of their own labour, or science, as painters, physicians, lawyers, &c.

From these inductions and explications, which may be applied, with a little variation, to all orders of men in society, it appears, that every body in a state is either an undertaker, or at wages, though their ranks and functions be very different. The courtier who has a pension, the general who has pay, and the servant who has wages, fall under the same denomination: all others in a state are undertakers, or subsist at uncertain wages.

But the prince and proprietors of land alone are independent in a state, and those from whom the subsistence and riches of all other ranks of men flow. And, whereas the land is commonly in the hands of the gentry and nobility, it is not surprising that the notion of gentlemen and noblemen has ever had so great an influence in the world.

But if any undertaker, or person at high wages, has saved wealth; that is, if any has a magazine of corn, wine, wool, lead, tin, copper, silver, gold, or any other commodities or goods that have an intrinsic value, or constant vent, he may so far be esteemed wealthy and inde-

pendent, though he has no land. With these he may buy all conveniences of life, and make a better figure than if he had a small portion of land, and may even become a land-proprietor: but these goods are more variable in their value than land, and more in danger of being lost; and it should not be forgot, that they have been acquired, one way or other, by the weight and influence, or at the expense of the proprietors of lands.

From all that has been said, it may appear, that the machine of *circulation* of traffic in a society, which is principally concerned in eating, drinking, cloathing, and the other conveniences of life, is carried on among us in Europe by undertakers, all at an uncertainty; and that though political societies and cities seem, from the indefinite numbers of people of different ranks, stations, and occupations which compose them, to have something wonderful and incomprehensible in their œconomy; yet it seems that the grand machine is commonly carried on with uncertainty, and that every thing finds its own proportion, well or ill, according to chance or caprice, without any peculiar intellectual conduct, whereby the society of commerce and *circulation* is governed.

Of the circulation of money.

In consequence of what has been said under the article of CASH, we shall further add, in regard to the *circulation of money*; that we consider the money that goes out of the land-proprietor's pocket, to be spread into the several rivulets of barter in *circulation*; out of which it is again gathered into the farmer's purse, to make another quarter's payment to the land-proprietor, according to what has been urged under the *head of cash*, as before intimated.

If, pursuant to our example, the farmer has paid 1500 ounces of silver to the proprietor, and he pay out 115 ounces a week, while, on the other hand, the farmer gathers together 115 ounces a week, there will be but 115 ounces, properly speaking, in motion; and at six weeks end, when the proprietor has but 750 ounces left, the farmer will have collected together the other 750 ounces: so that the whole 1500 ounces (with 115 ounces that are every week in *circulation*) are always kept up, and only paid and put in motion once a quarter.

But this seldom happens to be the case in a state; for money is spread out into the little channels of trade without rule or proportion, and likewise gathered together without any proportion. These same 1500 ounces are often paid away by several people to the land-proprietor, as soon as he has received them, and are not accumulated together again till near the end of the quarter, when the farmer receives them in a lump from the corn-chandler, woollen-manufacturer, &c. in exchange for his commodities, which enables him to pay the landlord another quarter's rent. In this interval of time, these 1500 ounces may have gone to and fro in an hundred rivulets of barter, and helped on the *circulation* of the other two rents, as well as the principal rent they are understood to make the payment of. This would, methinks, make it probable, that a less proportion of money, even than that which we have supposed, might carry on the general *circulation* and barter necessary in a state: the following argument seems to strengthen the same notion.

All barter that are made by evaluation in a state, require no ready-money. If the woollen-draper sells the baker an hundred ounces of silver value of cloth, and the baker supplies the woollen draper with the like value in bread, both at the market, or current price, it is so much bartered without money. Of these barter by evaluation, there are several carried on in a state, where trade, credit, and honesty flourish: there are many of them used in the country, as well as in cities: but it may be observed, they could not be carried on, if the barter against money at markets, and the altercations which fix the par between money and commodities, did not first naturally find out the price of things: so that, when in a village a certain quantity of corn is bartered and exchanged for a certain quantity of iron, the evaluation is made of the corn and of the iron, according to the prices they bear at the nearest market.

The more barter are made by evaluation in a state, the less ready-money generally seems requisite to carry on the *circu-*

circulation. If the woollen-draper supplies the wine-merchant with the cloth necessary for the consumption of his family, at the current price; and the wine-merchant supplies the woollen-draper with the wine his family consumes, also at the current price; and if they trust one another in accounts, when they come to settle their said accounts, at the year's end; all the money required to carry on this trade, will be the sum which pays the difference.

The barter by evaluation are mostly carried on by the undertakers and master tradesmen, and between the farmers and labourers, and others who assist them: so that they seem principally to help the *circulation* of the two last rents; whereas the *circulation* of the first rent must be always carried on by ready-money, except where the land-proprietor consumes part of his farmer's commodities in kind, and allows it out of his rent, as is much practised in Italy. The Milanese nobility have a quantity of hay sent in by their farmers, in part of their rent, for the maintenance of their coach-horses, &c. and a quantity of wheat, which they exchange with the bakers for the bread they consume in their families; besides wine, &c. and these evaluations help out the *circulation* of the first rent.

From what has been said, it should seem to be inferred, that honesty and confidence in dealings in a state, keep forward the barter by evaluation, and, consequently, make money go farther in *circulation*; and experience tells us, that, when credit fails, the *circulation* is clogged, and money grows scarcer.

Another circumstance, which helps *circulation* greatly, is goldsmiths and banks, as the bank of England, that of Amsterdam, of Venice, of Genoa, &c. These prevent a great sum from being kept in private hands without motion, and accelerate *circulation*.

These reasons seem to confirm, that the *circulation* in a state may be carried on with less money than what has been laid down under the article *cash*: but the following reasons may, perhaps, seem to counter-balance them in some measure.

Provident saving people, of all ranks and orders, lay up money, some to enable them to marry, some to give portions to their children, and all against an evil day; and this money they keep up till it makes a sum fit to bring them an interest. Several covetous and fearful people lay up and bury money: the money and estates of minors and of parties at law, deposited in the hands of lawyers, makes no small sum; to which it may be added, that not only several proprietors, but also that several undertakers, servants, and workmen, have always some money, more or less, in their hands, which are never so empty but that a part of the old money still remains, after they have received the new.

It is very difficult to make an estimate of such articles, but they sufficiently prove, in general, that a considerable sum of the *circulating money* in a state may be esteemed to lie always without motion. If a gentleman makes a remark, that he never had less money in his hands than twenty-pounds at any time through the whole year, it is plain he might have kept the same individual twenty pounds by him without motion all that year; and that so much may be esteemed to have lain by without *circulation*. It also happens, that several large payments are made between undertakers, as well at the terms farmers pay their rents, though these may very well be made out of the money required for the *circulation* of the two last rents. Upon the whole, it may be thought, that the conjecture, from what has been said under the article *cash* and here, is not very wide, viz. that the money which carries on the whole *circulation* of a state, is near the quantity of one-third part of all the annual rents of the proprietors of the land; where the proprietors have one-half or two-thirds of the produce of the land, and where the *circulation* is not much helped by barter and by evaluations, the quantity of the money must certainly be greater.

CITRON, an agreeable fruit, resembling a lemon in colour, smell, and taste. The inside is white, fleshy, and thick, containing but a small quantity of pulp, in proportion to the bigness of the fruit.

Citron water is prepared in the following manner:

Take of the *yellow citron* rind, dried in the sun, three pounds; of French brandy, six pints; let them stand in infusion in a cold place for three months, in a glass cu-

curbit, with a head and receiver adapted to it; then distil in *balneo marie*. When the strongest of the spirit is drawn off, add to the remainder the pulps of *citrons*; and after digesting five or six days, distil off a sufficient quantity to render the former of a proper strength, and dulcify the whole with fine sugar.

CIVET, *Zibethum*, a soft and unctuous matter, very different in colour, according to the different parts of the world it is brought from, but easily distinguishable by its smell. It is, when finest, of a pure, lively, whitish colour; but in keeping will grow yellow on the surface, which makes it less valuable, as it loses a great deal of its volatile parts thereby. We meet with a *civet* brought from the Brazils, of the same smell and consistence, but of a strong brown colour, with something of a reddish cast. There is some from Guinea, which is still darker; and, finally, we have from the East-Indies a black kind, which is the least valuable of all.

It is produced in the manner of milk, in bags growing from the lower part of the belly of an animal generally called a cat, but properly of the wolf or fox kind. In this animal there is no mark of the distinction of sex externally; all of them appear to the eye to be females.

Civet, chemically analysed, yields a moderate quantity of an insipid but strongly perfumed phlegm, and a little reddish and pungent phlegm; a large portion of a thin reddish oil, less sweet than the *civet*; and a large share of a volatile salt. It has been greatly esteemed in medicine as a cordial sudorific, and resister of poisons; but, at present, it is an article wholly belonging to the perfumers.

CLACKMANNANSHIRE, in Scotland, though but a small, is a fertile county, both in corn and pasturage, and likewise abounds in salt, and produces more coals than any part of Great-Britain, which are exported to England, France, and Holland.

CLAM, a small weight, and imaginary coin of Siam. See BAAT.

CLAP-BOARD is a small board cut in order to make casks or vessels. *Stat. 35 Eliz. c. 11.*

CLARET, a name given by the French to such of their red wines as are not of a deep or high colour. See BOURDEAUX.

CLASP-MAKER. Those of this business make clasps for some school-books, almanacks, pocket-books, and letter-cases, which are chiefly of brass, and sometimes of silver in various forms. Some of them also make letter-cases; and these last likewise small silver locks and keys. The art of clasp-making has been lately much improved. The *clasp-makers* in general take five or ten pounds with an apprentice; and, in the common way, twenty pounds will be sufficient to set up a master.

CLAYS are *earths* pretty coherent, weighty, and compact, stiff, viscid, and ductile, while moist; smooth to the touch, readily diffusible in water, and when mixed, not readily subsiding in it.

If we consider the extensiveness of the *pottery art* alone, we may find this matter of *clays* no contemptible subject. It is well known the great advantage the Hollanders have reaped by their Delft-ware; and the advances we have made, in our own nation, have proved of no inconsiderable benefit to the concerned and the public, in not only having prevented the importation of Dutch wares, but the consumption of the China amongst the mass of the people.

That the nature of *earths* and *clays* is well deserving our regard, may be urged from the unspeakable advantage the Chinese and the Japanese have reaped thereby, for ages past; and this universal manufacture could only have taken its rise from the knowledge of such, who did not think matters of this nature below their contemplation; judging, doubtless, that nature affords nothing but what may be of some utility to mankind. The Europeans, in consequence of the advantages reaped by the Indians, have made successful attempts of the like nature; and we find that Dresden has beat China or Japan, and that the same manufacture is lately established in France, with all suitable public encouragement, and, as we are informed, is likely to out-do the Saxons. Nor have our own countrymen been negligent in imitating the ware of China; and although they have not had the honour of those natural encouragements, that the monarchs of France and the Saxons

have given to their manufacturers, yet it must be acknowledged, they have made extraordinary advances, and it is to be hoped they will meet with the encouragement of the government as well as the people.

From what has been observed, it must naturally occur to the land-proprietor, that he may frequently experience as great benefit to be made by *clays, marles, loams, &c.* as he may by his lands, considered in an arable or pasture state. This has been experienced by many. And, if what has been said be duly attended to, there can be no difficulty in making a judgment of the value of all sorts of *clays*: the familiar use of his senses, common water, a crucible, and aqua-fortis, to which he may add a microscope, if he pleases, will enable him to make a right judgment in matters of this nature.

Clays being well burnt have been found by late experience to make a fertile manure.

CLAY-FIGURE-MAKER. The youth designed for this business ought to have a genius for this art, and all the qualifications of a statuary; and this genius may be early discovered by the boy's taking delight in forming the figures of men and animals in soft materials. To cultivate this inclination, he should be early learnt to draw by the best masters. He ought to have a liberal education; and, after he is out of his time, should spend some years in the academies of Italy.

Those of this business form models for the statuaries, and make busts in clay. In doing this last, they work from the life, and instead of taking off the face, as is done in busts of wax and plaister of Paris, they mould their *clay* while the person sits as if for his picture; and the likeness thus finished by a fine hand, is much more lively and striking than if done in wax or plaister, and much more valuable; for a good bust of this kind is worth ten guineas. They take about twenty pounds with an apprentice; and about a hundred pounds will enable one to set up as master.

CLERK, in the way of trade and business, is one who exercises any function with the pen.

CLERK of the acts, is an officer of good account in the navy-office, who receives and records all orders, contracts, bills, warrants, and other businesses, transacted by the lord admiral and commissioners of the navy; and is mentioned in the *stat. 16 Car. II. c. 5.* and 22 and 23 *Car. II.*

CLERK of the chest, keeps an account of the monies collected, and kept in a chest, for the use of sick and maimed seamen and mariners, mentioned in *stat. 16 Car. II. cap. 5.*

CLERK of the market, is an officer of the king's house, (mentioned in *stat. 1 Ed. IV. c. 1.* and in *stat. 13 Rich. II. c. 4.*) whose duty is to take charge of the king's measures, and to keep the standards of them, that is, the examples of all the measures that ought to be through the land: as of ells, yards, lagens, quarts, pottles, gallons, &c. of weights, bushels, and such like; and to see that all measures in every place be answerable to the said standard. *Fleta, lib. 2. cap. 8, 9, 10, 11, 12.* Of which office, as also of our diversity of weights and measures, one may there find a treatise worth reading. *Britton* also, in his 30 *Ca.* faith in the king's person, to this effect: "We will that none have measures in the realm, but we ourselves; but that every man take his measures and weights from our standards." And so goes on with a discourse of this matter, that well shews the ancient law and practice in this point.

By *stat. 13 Rich. II. c. 24.* The clerk of the market of the king's house shall execute his office duly, and false weights and measures shall be burnt. And the said clerk shall take no common fine, but every one shall be punished according to their desert; and he shall not ride with above six horses, and shall tarry no longer in a place than need requirith; and if he offend against this statute, he shall pay to the king for the first time five pounds, for the second time ten pounds, for the third time twenty pounds.

Stat. 16 Car. I. c. 19. f. 2. There shall be one weight and one measure, according to the exchequer throughout the realm; and every measure of corn shall be striked, without heap; and whosoever shall sell, buy, or keep any other weight or measure, whereby any thing is bought or sold, shall forfeit for every offence five shillings, being thereof convicted by the oath of one witness before a justice of

peace, mayor, or other head-officer, which forfeiture shall be levied by the church-wardens and overseers of the poor, or one of them, where the offence shall be committed, to the use of the poor, by distress and sale of goods; and in default of distress, the justice, mayor, or head-officer, may commit the offender to prison until he pay the sum forfeited.

Stat. 3. The clerk of the market of the king's or prince's household shall only execute their offices within the verge; and head-officers of corporations, and lords of liberties and their deputies, may execute the said office in their precincts.

Stat. 4. If any of the officers aforesaid shall seal any weight or measure which is not agreeable to the standard, or shall refuse to seal such as are agreeable (paying only such fees, as are warranted by statute or ancient custom) they and their deputies shall forfeit five pounds to be levied as aforesaid, to the use of the poor.

Stat. 5. If they shall take any common fine, fee, or other sum of money, than what are allowed by statute or ancient custom, for the signing or examination of any weights or measures which have been formerly marked or sealed, or shall impose any fine or amercement, without a legal trial of offence, or shall otherwise misdemean themselves in their office, they shall forfeit for the first offence five pounds, for the second ten pounds, and for every other offence twenty pounds, to be levied as aforesaid, to the use of the poor.

Stat. 6. He that is fined or amerced by this act, shall not be again punished for the same offence by any former law.

Stat. 7. This act shall not extend to the measure of rent-corn, nor to water-measure in ports.

Stat. 8. If any officer, authorized to execute this statute, shall be impleaded for any act he shall do therein, he may plead the general issue not guilty.

Stat. 9. If he be found not guilty, or the plaintiff nominated, he shall recover treble costs. See **WEIGHTS and MEASURES.**

Whether the clerk of the market can break pots, not being measure? Attorney-general said, that he could not, but must order them according to the form of the statute. *Savil. 57. pl. 122. Pasch. 25 Eliz. Anon.*

At the motion of Cook, attorney of the queen, all the justices of England assembled at Serjeant's-Inn, upon extortions committed by the clerks of the markets, because they had taken one penny fee for the vessels, though they found not any defect in them, and sealed them not, and if they did seal them they took two-pence. And all the justices agreed, that this was grand extortion, and that no prescription can serve for taking a fee for the view only, unless they found default, or sealed them. *Mo. 523. pl. 690. Mich. 39 and 40 Eliz. Anon.*

Clerk of the market has to do with nothing but victuals. *Hot. 145. Trin. 5 Car. C. B. Cambridge University's Case.*

In trespass defendant justified as clerk of the market within, &c. for a distress of three shillings and four-pence for using measures marked according to the standard of the exchequer. On demurrer it was urged for the defendant, that this was an authority given by 14 *Edw. III. c. 12. f. 2.* and held *per Holt, Ch. J.* that the clerk of the market could not have power to extort fines and amercements otherwise than as a franchise, and it is more reasonable the clerk should bring the standard with him, than that the people should follow him, or attend at a place out of the market. 1 *Salk. 327. Trin. 8 Ann. B. R. Burdet's Case.*

CLOCK, an instrument to measure time.

Clocks and watches. Stat. 9 and 10 Will. III. c. 28. f. 2. No person shall export, or endeavour to export, out of this kingdom, any outward or inward box, case, or dial-plate, of gold, silver, brass, or other metal, for clock or watch, without the movement in or with every such box, &c. made up fit for use, with the maker's name engraven thereon; nor any shall make up any clock or watch, without putting their name and place of abode or freedom, and no other name or place, on every clock or watch, on penalty of forfeiting every such empty box, case, and dial-plate, clock and watch, not made up and engraven as aforesaid, and twenty pounds; one moiety to the king, the other to them who shall sue for the same.

Stat. 27 Geo. II. c. 7. f. 1. If any person who shall be hired or employed by any person practising in the trade of *clock-making* or *watch-making*, or any other branch or branches of such trade, to make, finish, alter, repair, or clean any clock or clocks, watch or watches, or any part or parts of a clock or clocks, watch or watches, or be entrusted by any person practising the said trade or trades, with any gold, silver, or other metals or materials, to be, or that shall be in the whole, or in part wrought or manufactured, for any part or parts of a clock or clocks, watch or watches, or any diamond or other precious stone, to be, or that shall be set or fixed in or about any clock or clocks, watch or watches, shall purloin, embezzle, secrete, sell, pawn, exchange, or otherwise unlawfully dispose of, any clock or watch, or any part or parts of any clock or watch, or any gold, silver, or any other metal or material, or any part thereof, or any diamond or other precious stone, with which such person shall be entrusted by any person practising the said trade or trades, or any part or branch, or any parts or branches of such trade or trades, and shall be thereof convicted, by the oath of the owner of such goods, or by oath of any other credible witness or witnesses, or by confession of the person or persons charged with such offence, before any one or more justice or justices of the peace, of the county, riding, liberty, city, division, town, or place where such offence shall be committed, or where the person so charged shall reside or inhabit, (which oath the said justice or justices is and are hereby empowered and required to administer); every such offender shall, for the first offence, forfeit twenty pounds; and in case the said forfeiture shall not be forthwith paid, the justice or justices, before whom such conviction shall be had, shall commit the party or parties so convicted to the house of correction, or other public prison of such county, riding, division, city, liberty, town, or place, there to be kept to hard labour for the space of fourteen days, unless such forfeiture shall be sooner paid; and if within two days before the expiration of such fourteen days, such forfeiture shall not be paid, the said justice or justices is and are hereby empowered to order the persons so convicted, to be publicly whipped at the market-place, or some other public place of the city, town, or place, where such offender or offenders shall be respectively committed; and in case of a farther conviction, in manner before prescribed by this act, for or upon a second or other subsequent offence of the same kind, the person or persons so again offending, being thereof convicted in manner aforesaid, shall for every second or other subsequent offence forfeit forty pounds: and in case the forfeiture shall not be forthwith paid, the justice or justices before whom such conviction shall be had, shall commit the person or persons so again offending to the house of correction, or other public prison, for any time not exceeding three months, nor less than one month, unless the said forfeiture shall be sooner paid; and if within seven days before the expiration of the time for which such offender or offenders shall be committed, the said forfeiture shall not be paid, the justice and justices is and are hereby empowered to order the person so again offending, to be publicly whipped at the market-place, or some other public place of the city, town, or place where such offender or offenders shall be respectively committed, twice or oftener, as to such justice or justices shall appear reasonable.

Sec. 2. And if any person shall buy, receive, accept, or take by way of gift, pawn, pledge, sale, or exchange, or in any other manner whatsoever, of or from any person whomsoever, any *clock* or *watch*, or any part or parts of a *clock* or *watch*, or any gold, silver, or other metal or material as aforesaid, whether the same or any part thereof be not wrought or manufactured, or any diamond or other precious stone, which shall have been entrusted with any person or persons hired or employed as aforesaid, by any person practising the said trade or trades; he, she, or they so buying, receiving, accepting, or taking any such goods, materials, or effects, knowing the same to be purloined, or embezzled, being thereof lawfully convicted, in manner before prescribed for the conviction of persons purloining or embezzling the said goods, materials, or effects, shall, for the first offence forfeit twenty pounds; and in case the forfeiture shall not be forthwith paid, the justice or justices,

before whom such conviction shall be had, shall commit the party or parties so convicted, to the house of correction, or other public prison as aforesaid, there to be kept to hard labour for the space of fourteen days, unless the forfeiture shall be sooner paid; and if within two days before the expiration of the said fourteen days, the said forfeiture shall not be paid, the said justice or justices is and are hereby empowered and required to order the person or persons so convicted, to be publicly whipped at the market-place, or some other public place of the city, town, or place where such offender or offenders shall be respectively committed, once or oftener, as to such justice or justices shall appear reasonable: and in case of any further conviction, for or upon a second, or any other subsequent offence of the same kind, the person or persons so again offending, being thereof convicted, in manner before prescribed, shall, for every second or other subsequent offence, forfeit forty pounds; and in case the said forfeiture shall not be forthwith paid, the justice or justices, before whom such conviction shall be had, shall commit the party or parties so convicted to the house of correction, or other public prison as aforesaid, there to be kept to hard labour for any time not exceeding three months, nor less than one month, unless the said forfeiture shall be sooner paid; and if within seven days before the expiration of the time for which such offender or offenders shall be committed, the said forfeiture shall not be paid, the said justice or justices is and are hereby empowered and required to order such offender or offenders to be publicly whipped at the market-place, or some other public place of the city, town, or place where such offender or offenders shall be respectively committed, twice or oftener, as to such justice or justices shall appear reasonable; and the said respective forfeitures when recovered, after satisfaction shall have been made thereof to the party or parties injured, together with such costs of prosecution, as shall be judged reasonable by the justice or justices, before whom such conviction shall have been had, shall be paid and applied to and for the use of the poor of the parish or place where the person or persons so convicted shall reside or inhabit.

Sec. 3. Provided, that if any person convicted as aforesaid of purloining, embezzling, secreting, selling, pawning, exchanging, or otherwise unlawfully disposing of, or buying, receiving, or taking to pawn any of the goods, materials, or effects herein before-mentioned, shall think himself or herself aggrieved by the judgment of the justice or justices before whom he or she shall have been convicted; such person shall have liberty to appeal to the justices at the next general or quarter-sessions of peace, which shall be held for the county, riding, division, city, liberty, town, or place where such judgment shall have been given; and the execution of the said judgment shall in such case be suspended; the person so convicted entering into a recognizance at the time of such conviction, with two sufficient sureties, in double the sum which such person shall be adjudged to forfeit, upon condition to prosecute such appeal with effect, and to be forth coming to abide the judgment and determination of the justices in the said general or quarter-session; which recognizance the said justice or justices, before whom such conviction shall be had, is and are hereby required and empowered to take; and the justices, in the said general or quarter-sessions, are hereby authorized and required to hear and finally determine this matter of the said appeal, and to award such costs as to them shall appear just and reasonable to be paid by either party; and if upon the hearing of the said appeal, the judgment of the justice or justices, before whom the appellant shall have been convicted, shall be affirmed, such appellant shall immediately pay the sum which he or she shall have been adjudged to forfeit, together with such costs as the justices, in their general or quarter-sessions, shall award to be paid by him or them, for defraying the expenses sustained by the defendant or defendants in such appeal; or, in default of making such payments, shall suffer the respective pains and penalties by the act inflicted upon persons respectively, who shall neglect to pay, or shall not pay the respective forfeitures by this act imposed upon such persons respectively, who shall be convicted of purloining, embezzling, secreting, selling, pawning, exchanging, or otherwise unlawfully disposing of, any of the goods, materials,

terials, or effects herein before-mentioned, or of persons buying, receiving, or taking to pawn any of such goods, materials, or effects.

Sett. 4. And the justice or justices of the peace, before whom any person shall be convicted, in manner prescribed by this act, of purloining, embezzling, secreting, selling, pawning, exchanging, or otherwise unlawfully disposing of, or of buying, receiving, or taking to pawn any of the goods, materials, or effects aforesaid, shall cause such respective conviction to be drawn up in the form and words following; that is to say:

Middlesex, } Be it remembered, that on the day
to wit, { of in the year of his
majesty's reign, was convicted before me
(or us) of his majesty's justices of the peace for
the said county of or for the riding (or di-
vision) of the said county of or for the city,
liberty, or town of in the said county of
[as the case shall be] of purloining, embezzling, secreting,
selling, pawning, exchanging, or unlawfully disposing of,
or of buying, receiving, or taking to pawn [as the case
shall happen to be] [specifying the respective
goods, materials, or effects] the property of of
in the county of . Given under my
hand and seal [or our hands and seals] the day and year
aforesaid.

Which said form and conviction shall not be liable to be removed by *certiorari* into his majesty's court of King's-bench; and the said justice or justices, before whom such conviction shall be had, shall cause the same, drawn up in the form aforesaid, to be fairly written on parchment, and transmitted to the next general or quarter-sessions of the peace to be held for the county, riding, division, city, town, or liberty, wherein such conviction was had, to be filed and kept among the records of the said general or quarter-sessions; and in case any person or persons so convicted shall appeal from the judgment of the said justice or justices to the said general or quarter-sessions, the justices in such general or quarter-sessions are hereby required, upon receiving the said conviction, drawn up in the form aforesaid, to proceed to the hearing and determination of the matter of the said appeal, according to the directions of this act; any law or usage to the contrary notwithstanding.

Sett. 5. And it shall and may be lawful to and for any one justice of the peace of any county, riding, division, city, liberty, town, or place, and he is hereby required, upon complaint to him made upon oath of any offence committed against this act within the same country, riding, division, city, liberty, town, or place, to issue his warrant for apprehending and bringing before him, or before any other justice or justices of the peace of the same county, riding, division, city, liberty, town, or place, the person or persons charged with such offence, and the justice or justices, before whom such person or persons shall be brought, is and are hereby authorized and required to hear and determine the matter of every such complaint, and to proceed to conviction and judgment thereupon.

CLOCK-MAKER. The boy who has an inclination to become a *clock-maker* ought, besides the common education, to acquire some knowledge in mechanics: a study that will be of no small use to him in his business, in which several of the mechanical powers are united. The *clock-maker's* employment has a near resemblance to that of the watch-finisher; but as the parts he is obliged to touch up and join together are much larger, they do not require so nice a hand. The masters take with an apprentice from ten to forty pounds. The journeymen should lay out fifteen or twenty pounds in tools; and may earn twenty or thirty shillings a week, and it will require one or two hundred pounds to set up shop.

CLOTH, in a general sense, signifies any kind of stuff that is wove or manufactured in the loom, whether it be composed of wool, hemp, or flax: but in a more particular sense, it implies a web or tissue of woollen threads interwoven, whereof some, called the *warp*, are extended in length, from one end of the piece to the other; the rest, called the *woof*, disposed a-cross the first, or breadthwise of the piece.

For the method of weaving, scouring, teasing, &c. of *cloth*, see **WOOL** and **WOOLLEN MANUFACTORY**.

The woollen manufacture has, for several ages, been the care of this kingdom; inasmuch that near a hundred several acts of parliament have, from time to time, been made to support, regulate, and encourage it.

Clothiers shall pay their work-folks in ready-money, and not in wares, on pain of forfeiting treble damages, or sums due to such work-folks; and shall deliver them wool according to due weight: forfeiture on every default sixpence.

Every justice of peace, constable, &c. to hear and determine such complaints, with power to commit the offender, till the party aggrieved be satisfied. 17 *Edw. IV. cap. 1.*

By *stat. 1. Geo. I. c. 15.* the penalty of clothiers imposing goods on their work-folks in lieu of money, is forty shillings; justices of peace, and head officers, to appoint and swear officers, for the due observing of the statute of 3 and 4 *Edw. IV. c. 6.* concerning the well ordering of *cloth*, with power to search accordingly: forfeitures to be divided between the king and overseers.

No overseer, duly chosen, to refuse the office, on pain of forty shillings; and once every quarter to make due search, on pain of ten pounds. None shall interrupt overseers in their office, on pain of twenty pounds. None shall take advantage of the forfeitures given by this act, unless suit be commenced within one year after they accrue. 3 and 4 *Edw. III. c. 2.*

Cloths faulty in weight or measure, exposed to sale by retail, forfeited; to be divided into three parts, the first to the king, the second to the justice, and third to the informers. Persons not trying *cloths* to be bought and sold, and not seizing, and presenting them, if faulty, forfeit double the value of the cloth.

Note, all statutes repugnant to this repealed. Two justices of the county, and chief magistrates in corporations, empowered to hear complaints. 3 and 6 *Edw. VI. cap. 6.*

Two justices in counties, and chief officers in corporations, to appoint and swear overseers and searchers for faulty *cloth*. Justices may search after and seize ropes, winches, and engines used for stretching northern cloths: who oppose, forfeit ten pounds. 39 *Eliz. c. 20.* and, by 21 *Jac. I.* overseers may do the like.

All penalties for want of length, breadth, or weight, to be equally divided into three parts; one to the searchers, and two to the poor of the parish. See *stat. 21. Jac. I. c. 18.* how to be recovered. These penalties under power of justices of peace.

Two justices in a county, and chief officer, if in a corporation, with another, may order satisfaction (double value by 1 *Ann.*) or the offender to be whipped and put in the stocks. A forter, carder, comber, spinster, or weaver of wool, found guilty by confession, or oath of one witness, of embezzling, or detaining wool; and the receiver is liable to the same punishment. 7 *Jac. I. c. 7.*

Justices negligent in appointing overseers, or otherwise, in his duty, according to 32 *Eliz.* forfeits five pounds.

Justices have power to determine these offences in their sessions; and to be convicted by justices of assize, upon proof of two witnesses, if negligent.

Two justices may call before them any suspected of making deceitful *cloth*; who is found guilty, shall forfeit five pounds, or suffer imprisonment. 21 *Jac. I. c. 18.*

Overseer, when chose, on refusal, forfeits five pounds, and to be committed till paid, by 39 *Eliz. c. 20.* He must search once a month for defects in the northern *cloths*, 39 *Eliz. c. 20.* and must fix a leaden seal to each *cloth*, containing the length and breadth, which exempts from further search. And any other person taking away such seal without warrant, and convicted by oath of two witnesses, or verdict, forfeits for the first offence ten pounds, for the second twenty pounds; one part to the kind, another to the informer, and the third to the poor of the parish; and the offender to stand in the pillory. 39 *Eliz. c. 20.* Any person, besides the overseer, fixing a seal without a warrant, is liable to the same penalties. A searcher may enter any house, or other place, to find bad *cloth*, and, if he find any, shall stamp the word (faulty) on

on the seal; but he must not search *cloth* searched before, on pain of five pounds. See *stat. 12 Car. II. c. 22.* relating to the manufacture of bays at Colchester.

Yorkshire *cloths* must be of lengths and breadths prescribed by *7 Ann. c. 13.* and *1 Geo. I. c. 15.* on penalty of twenty shillings conviction before one justice, by oath of the overseer of *cloth*, or any other witnesses.

Owner of every fulling-mill shall affix a seal of lead, with his name, and length and breadth of *cloth*, when wet, on penalty of twenty shillings. Every person who takes off, defaces, counterfeits, or alters the figures on the seal of the *cloth* before fold, or that stretches or strains *cloth* when wet, more than allowed by the act; or occupier of the fulling-mill causing to be milled in any one stock, at the same time, more than one whole, or two half *broad-cloths*, forfeits twenty shillings conviction as before, penalty to the poor of the parish, where, &c. and informer. Not paying in seven days, to be levied by distress and sale; or sent to the house of correction; information in ten days; appeal to quarter-sessions, &c. *7 Ann. c. 13.* By *10 Ann. c. 16.* all mixed, or medley *broad-cloth*, shall be measured at the fulling-mill, after it is milled, by the master of the mill, who shall first take oath (refusal twenty pounds penalty by *1 Geo. I. c. 15.*) before some justice, that he will truly perform such measuring (the justice to give him a certificate of his having so done) and shall fix to it, before carried away, a seal of lead, and rivet the same, with his name stamp, mentioning in figures the length and breadth, for which the owner shall pay him a penny. The numbers so stamped to be a rule of payment to the buyer, except any part be damaged, and taken off, and then the rest to be again measured, sealed, &c.

If the master of the mill, refuse or neglect to affix such seal, or any person afterwards take it off, deface, or alter the figures before the *cloth* is fold; and if the buyer refuse to accept the same, according to such measure; by the offender, convicted on oath, forfeits twenty shillings (by *1 Geo. I. c. 15.* twenty pounds) for each *cloth*.

No clothier, fuller, &c. after such *cloth* is fully wet, sealed, and stamped, shall stretch it above one yard in twenty yards length, or above one nail in a yard in breadth, on penalty of twenty shillings.

Every mill-man to keep in his mill a table, or board twelve feet long, and three feet wide, whereon the *cloth* shall be creased, and laid plain, with the length of a yard marked thereon, with one inch more, viz. thirty-seven inches long, and in default thereof he forfeits ten pounds.

Every clothier, cloth-maker, &c. shall make payment in money for work done, and not impose goods or wares, on forfeiture of twenty-shillings.

Offences herein to be heard and determined by one or more justices where committed (the justice not to be concerned in the matter of the complaint) on oath of one witness; all penalties are one half to the informer, and the other to the poor of the parish. Payment, refused for fourteen days after conviction, to be levied by distress; or the offender committed to gaol, or house of correction. *10 and 12 Ann. c. 20, 21.*

This doth not extend to any *cloth* made or manufactured in the county of York. Nor to invalidate any of the powers contained in the *stat. 7 Ann.* for ascertaining the lengths and breadths of woollen *cloth* made in the county of York.

All mixed or medley-cloth shall, at the buyer's instance, be put into water, and then measured by two indifferent persons, one chosen by the buyer, the other by the seller; if they cannot agree, a third to be chosen; he refusing, the keeper of Blackwell-hall, in London, to determine it, being first sworn before some justice to admeasure truly; if not in London, then by the magistrate or chief officer of such place where, &c. as aforesaid; six-pence for measuring to be paid by the buyer: if not the length or breadth mentioned on the seal, every such clothier, &c. to forfeit the sixth part of the value, conviction on oath before one justice. Owner or mill-man of any fulling-mill, refusing to take oath for true admeasuring *cloth*, &c. or to fix a seal of lead, with his name, &c. or to enter in a book in manner aforesaid, forfeits twenty shillings to Christ's-hospital, if in London; if elsewhere, to the poor, &c. Note, the forfeiture of twenty pounds discharge the forfeiture of twenty shillings, buyer of, &c. to give two

days notice to the seller, that his *cloth* shall be wetted for proof or admeasurement.

Mixed or Medley *broad-cloths* to be stamped with the watch-measure, or seal of the master, &c. by whom wetted. Clothier selling such *cloth*, before sealed and stamped as aforesaid, forfeits the sixth part of the said *cloth*.

Persons aggrieved may appeal to quarter-sessions, who may finally determine and give costs. Not to affect any factor or his agent, only employed in the sale of, &c. All persons concerned in the woollen manufacture to pay their servants in money, not in goods or wares, on penalty of forty shillings, to be recovered and disposed of as before. Yorkshire *cloths*, called, &c. shall be of such measure, &c. See the act, on penalty of twenty shillings, and forty shillings penalty for any person to put any other name on his *cloths* than his own. *1 Geo. I. c. 15.*

Any justice, overseer, &c. may search for tenters, &c. for the first offence he may deface them, for the second sell them. *48 Eliz. c. 10.*

Justices, on information, must execute this law in seven days, on penalty of five pounds. Clothiers refusing to pay wages assessed at the sessions, and convicted before two justices, forfeits ten shillings to the party grieved. *1 Jac. cap. 8.*

By *stat. 12 Geo. I.* all contracts, &c. and all by-laws, in unlawful clubs and societies, between wool-combers or weavers, on any account relating to their craft, are illegal and void; and any concerned, keeping up such combination, by being convicted on oath, shall be sent either to the house of correction, not exceeding three months, or to the common gaol.

By *stat. 13 Geo. I.* No maker of mixed medley or white *cloth* shall use any warping-bars, but only of the measure and length following, viz. every long warping-bar to be in length three yards three inches, and no more; and every round warping-bar four yards and four inches round, and no more; the thrums at the end of the bars not to exceed eighteen inches in length, on forfeiture of ten pounds.

Every maker to give out wool, yarn, &c. by weight, at the rate of sixteen ounces to the pound, and to receive back the same by the same weight without fraud, on forfeiture of ten pounds. No clothier shall use any ends of yarn, wefts, or other refuse (stocks and pinions only excepted) by working them up again, on pain of three pounds.

Prosecutions to be heard by two or more justices, and the penalties levied by distress under their warrants, or the offender committed, not exceeding three months, or till satisfaction is made.

All disputes relating to work, wages, &c. between clothier and weaver, to be heard by two or more justices, when the dispute shall arise, who are to summon the parties, examine, &c. and give such satisfaction and costs, as to them shall seem reasonable, to be levied by distress, &c.

Persons aggrieved may appeal to next quarter-sessions, on six days notice given in writing of such appeal; the orders and costs there given to be final, and levied by distress, &c.

On information on oath, that any persons are (or are suspected to be) guilty of any of the said ill practices, any two or more justices are to issue out their warrants to any constable, &c. directing to enter any house, or other suspected place, to search for and examine all bars and weights used by any clothier or maker of woollen cloths; who forfeits five pounds on interrupting such officer in the execution of his office. Any peace-officer by warrant may search any end-gatherer, his bag, or other convenience, for ends of yarn, wefts, &c. which if found (stocks and pinions only excepted) he shall carry him before one or more justices where he shall be found, and, on conviction, shall be deemed a dangerous and incorrigible rogue, and punished as directed by *stat. 12 Ann.*

Every maker shall pay the weaver according to the number of yards that the chains are laid on the warping-bars, on forfeiture of five pounds.

Every owner of tenters or racks in the counties of Gloucester, Wilts, and Somerset, shall measure his tenters, &c. and mark in figures the true length in yards upon the top bar; and on the fore-side, each yard thirty-six inches, to

which shall be added one inch in lieu of the over-measure, on pain of five pounds.

Justices for the said counties, in their Easter quarter-sessions, to chuse certain skilful men for inspectors yearly, allowing each not exceeding thirty pounds *per annum*, which inspectors shall, at reasonable times, inspect every mill, shop, &c. of clothiers, mill-men, and others, and to measure every tenter, and *cloth* before it be carried thence; stamping his name on a lead seal, to be furnished by the maker, and fixed on every *cloth*, registering the clothier's, or other person's name, the number, length, &c. of every *cloth* made in their divisions: clothiers, makers, &c. refusing the inspector's entrance, forfeit ten pounds; and an inspector acting against his oath, twenty pounds.

Every maker of mixed or medley woollen *broad-cloth* shall pay to the inspectors two-pence a piece for every *cloth* he makes, before the *cloths* are sent away from the mills; and the inspectors, every three months, must pay the money to the treasurer of the county, to be applied by direction of the quarter-sessions, towards the salaries of inspectors; every mill-man, sending home *cloths* not inspected, forfeits forty shillings for every piece.

This act not to make void any powers given by charter, or act of parliament, to the corporation of clothiers in the city of Worcester.

Every prosecution for clothiers paying their labourers, in any other manner than in money, shall be commenced within three months next after the offence committed.

Any person, sued in pursuance of this act, may plead the general issue, and give this act, and the special matter, in evidence; and if the plaintiff be non-suited, &c. or a verdict be for the defendant, he shall recover treble costs.

Yorkshire CLOTHS.

Stat. 4 and 5 Phil. and Mar. c. 5. contains variety of directions and penalties; but they are recoverable by action, &c. *Stat. 39 Eliz. c. 20.* was made for the counties north of Trent, and directs, sealing, length, breadth, and weight, and prohibits overstraining, or deceitful stretching or tentering. And overseers, appointed by the justices, to visit houses, &c. where *cloths* are; and if not found sealed, &c. they are forfeited, and the overseers may seize, and present them to the justices at the quarter-sessions, to be disposed as the statute directs.

By *Stat. 7 Ann. c. 13.* any clothier in Yorkshire making, or exposing to sale, *broad-cloths*, which, after well scoured and milled, shall be less than five quarters and a half within the lists, and an end, or *half-cloth* less than twenty-three yards in length, and a long or *whole-cloth* less than forty-six yards in length, and whole thick kerseys, and whole thick plains, less than seventeen yards and a half long, and three quarters and a half broad, when fully wet; forfeits twenty shillings for every inch wanting in breadth; and for every yard the *long-cloths* shall exceed forty-six yards, and the *half-cloths* twenty-three yards; and for every half-yard the thick kerseys, and thick plains, shall be shorter than seventeen yards and a half. Mill-man in Yorkshire, not fixing a seal of lead riveted and stamped, with his name at each end of the *cloth*, before it is carried from the mill, containing the number of yards and inches in the *cloths*, in length and breadth, when wet, scoured and milled; or if any other person take off, deface, counterfeit, or alter the figures, before the *cloth* is exported, or sold to retailers, or stretch a piece of *cloth* more than an inch in breadth in a quarter of a yard, or piece of *broad-cloth* more than a yard in length in twenty yards, or the whole thick kerseys, and whole thick plains, more than half a yard in every seventeen yards and a half; or any fuller, milling or fulling in one stock, at the same time, more than one whole *broad-cloth*, or two half *broad-cloths*, shall, for every offence, forfeit twenty shillings. The conviction to be on oath of any searcher of *cloth* for Yorkshire, or of one witness before a justice, &c. who is neither a merchant or trader in the woollen manufacture. The forfeiture, not paid within seven days, to be levied by distress and sale of goods, by warrant of the justice, &c. before whom the offender was convicted; half to the informer, the other to the poor of the parish, &c. or to be sent to gaol, or house of correction. The penalties to be

inflicted within ten days after the offence committed or discovered.

By *Stat. 1 Geo. I. c. 15.* All Yorkshire *cloths*, called whole thick kerseys, whole thick plains, hugga-bap, and broken-quilled kerseys, not to be under eighteen yards in length, or less than three-quarters and a half broad, by the standard yard-wand, when fully wet, and to be sealed as Yorkshire *cloths* are directed by the act 7 Anne, and under the same penalties.

Any clothier, &c. selling *cloths* wanting one inch in breadth, or half a yard in length, forfeits twenty shillings; or stretching them above an inch in a quarter of a yard, or above half a yard in length, forfeits the like; or fixing other mark than his own Christian and surname, and place of residence, forfeits fifty shillings, to be levied as mentioned in that act.

Penalties to be inflicted within twenty-one days.

By *Stat. 11 Geo. I.* every woollen *broad-cloth* made in the west riding of the county of York, whether it be an end or half *cloth*, or a long or whole *cloth*, being well scoured and fully milled, to be five quarters and half by the standard yard-wand in breadth, within the lists in the water, being fully wet, and every such *cloth*, called an end, not to exceed in length twenty-four yards, nor a whole *cloth* forty eight yards.

Any clothier convicted of making or selling *cloths* not of the said breadths, or which exceed the said lengths, shall for every inch short of breadth, and yard exceeding in length, forfeit twenty shillings. But *cloth* in some parts of it (not exceeding one-fifth of the whole length) falling short in the breadth, without wilful default of the maker, may be sold without incurring any penalty.

All woollen *broad-cloth* shall be measured at the fulling-mill, after it is fully milled, scoured, and thoroughly wet, by the master of the mill, who is to take an oath to measure it truly, who shall rivet a seal of lead, to be furnished by the clothier, at each end of the *cloth*, with his name at length, and the length and breadth of the *cloth* in figures, for which he shall be paid two shillings a quarter. Mill-man, failing herein, forfeits five pounds. If a buyer suspect the *cloth*, in six days after delivery, he may, on two days notice to the seller, wet the *cloths* four hours, and cause to be measured by two indifferent persons, or a fit person nominated by the next justice, to be sworn; and, if found deficient one-fifth in length, the seller shall forfeit one-sixth part of the *cloth* to the poor, and the buyer at liberty, within three days, to return the *cloth* to the seller, and be repaid all the money and charges ascertained on his oath, and recoverable by warrant from one or more justices, not dealers in woollen *cloth*.

Any clothier not weaving his name and place of abode at length into the head of his *cloth*, or exposing to sale without such mark, or altering the seals, &c. forfeits five pounds.

Every woollen *broad cloth* shall be dressed in all parts alike, and every cloth-dresser's name affixed in lead, on pain of five pounds. Owners of tenters to mark the lengths in figures on the top bar of every tenter, on forfeiture of five pounds for every tenter not so numbered.

Justices may appoint searchers, with a salary not exceeding fifteen pounds *per annum*, who may, by direction of a justice, enter in the day-time into any mill-house, shop, &c. to search for *cloth* over-stretched, and measure any they suspect; resisting them is ten pounds penalty, and five pounds to the owner, if the searcher discover any frauds.

Every searcher to be sworn to act to the best of his skill; if contrary, shall forfeit twenty pounds. But he is not to examine *cloth* packed up for exportation, unless by warrant on oath of witnesses on suspicion of fraud; if none be found, the informer to pay the merchant five shillings for each *cloth* so unpacked.

None who have not served seven years (clothiers widows and persons marrying them excepted) shall make any *broad-cloths* in the said west-riding, on forfeiture of ten pounds for every month.

None shall use cards of iron-wire or other metal in dressing *cloth*, on pain of fifty pounds; but information to be within twenty-days. And all convictions for offences to be on oath of one or more witnesses, by one or more justices. The penalties to be divided between the informer

former and poor of the parish; not paid within ten days, to be levied by distress, &c. under warrant of the justices, or be enclimmed to the house of correction.

Persons aggrieved may appeal to the quarter-sessions, on ten days notice.

All actions to be brought in *Com. Ebor.* and not elsewhere. Persons sued, may plead the general issue, &c. and recover treble costs.

By *stat. 11 Geo. II.* every maker of narrow woollen cloth, within the west-riding of Yorkshire, to weave the initial letters of his name on every piece he makes (white kerseys and half-thicks excepted); and when fully wet, to be measured at the fulling-mill, both by the mill-man and searcher. Each of whom shall affix a seal of lead, with name, length, &c. on pain of twenty pounds to the master, and five pounds to the mill-man and searchers respectively.

Every piece of the said cloth shall be measured by the maker, after it is brought from the mill, before it be put on the tenters; if short of the measure stamped at the mill, to be re-measured, and re-stamped by the mill-man, on penalty of five shillings. Any dealer in such cloth, after August 1, 1728, stretching the same more than one inch in a yard in length, and two inches in three-quarters of a yard in breadth, to forfeit for the first half yard in length, or inch in breadth, ten shillings for every half-yard, or half-inch, twenty shillings.

Any person taking off, defacing, or counterfeiting the seals, or letters woven in the cloth, before sold or cut by the retailer, or exported, forfeits forty shillings.

A sum not exceeding two pence for every piece, to be ascertained at the quarter-sessions aforesaid, to be paid by the maker, to whom the justices shall appoint, for defraying the expence of obtaining and executing the act, as the justices shall appoint. And the mill-man, searcher, or other person appointed, may detain the cloth, till such money be paid; and, on non-payment for eight days, may sell what will satisfy the same.

All offences against this act shall be inquired of by a justice of the riding, on oath of a credible witness, and notice first given to the party accused; the penalties of conviction, the charge of it being first deducted, to go one half to the informer, the other to the treasurer of the riding for the purposes of the act. And, if not paid within ten days, to be levied by distress, &c. or be committed to the house of correction for one month.

Prosecution against mill-man, &c. to be in eight days, and against clothier, &c. one month, and all prosecutions for penalties in one month after the offence.

Persons aggrieved may appeal to the next quarter-sessions, who may allow costs, and their order to be final.

Clothiers may make their narrow cloths of what length and breadth they think fit.

Such cloths made in the said west-ridings, as are milled in the counties of Lancaster, Chester, or Derby, must be brought to the next fulling-mill, &c. under the penalty above. Action must be commenced in *Com. Ebor.* and all persons, &c. may plead the general issue; and, if judgment be against the defendant, the penalty to have treble costs, to be deemed a public act.

See the *stat. 14 Geo. II.* touching the better regulation of officers in the cloth-trade, and the better ordering of cloth in the west-riding of Yorkshire.

For more matter on this head, see the article WOOL.

CLOTH-WORKER, or CLOTHIER. This business requires strong and robust lads for apprentices: it properly consists of weaving woollen cloths. There are not indeed many of these in London: but as the cloth-workers are one of the city companies, they deserve a place here. They take about twenty pounds with an apprentice; the journeymen earn from twelve to fifteen shillings a week; and it will require from five hundred to two thousand pounds to set up master in London.

CLOVES. See CARYOPHILLUS.

CLOUGH, or DRAUGHT, in trade, an allowance generally of two pounds in every hundred weight, for the turn of the scale, that the commodity may hold out-weight, when sold by retail.

CLUSUS, among the ancient chemists, imported an extract prepared of various substances mixed together; but the moderns use it to signify a mixture, containing the

various products of one substance united with each other.

Thus, for instance, when the distilled water, spirit, oil, and salt of wormwood, are so blended, that the mixture is possessed of all the united virtues of the simple, from which the various preparations are obtained, it is called a *cluffus* of wormwood.

COACH, a commodious vehicle for travelling, so well known in this kingdom as to need no description. Their invention was owing to the French, about the reign of their Francis I. They have, like other things, been brought to their present perfection by degrees: at present they seem to want nothing, either with regard to ease or magnificence.

Coach-makers were incorporated into a company in the year 1677, in the reign of king Charles II.

COACHES and CHAIRS. *Stat. 9 Ann. c. 23. s. 1.* The crown may nominate under the great-seal, commissioners for regulating and licensing hackney-coaches, not exceeding five, who shall regulate and license all hackney-coaches within the bills of mortality for thirty-two years.

Made perpetual, 3 *Geo. I. c. 7. s. 1.*

Seet. 2. The commissioners may, under their hands and seals, or of the major part of them, license not exceeding eight hundred hackney-coaches, and upon every licence there shall be reserved the weekly sum of five shillings, to be monthly paid.

Seet. 3. The commissioners, for thirty-two years, may license two hundred hackney-chairs within the bills of mortality, reserving to the crown the yearly sum of ten shillings, to be paid quarterly.

Made perpetual, 3 *Geo. I. c. 7. s. 1.* part of the general fund.

Seet. 4. No person shall drive or let to hire any hackney-coaches or coach-horses within the weekly bills, &c. without a licence from the commissioners, upon forfeiture of forty shillings, and no horse shall be used in any hackney-coach, under the size of fourteen hands; and every licensed coach and chair shall have a mark or figure on each; and if one person shall be licensed to keep several hackney-coaches or chairs, he shall have distinct figures; and no person shall put the same figure on his coach or chair which is appointed for another, or shall deface the figure, upon forfeiture of five pounds; one half to the informer, and the other to the crown.

Seet. 5. Commissioners licensing more than eight hundred coaches, or two hundred chairs, shall forfeit one hundred pounds, to be recovered in the courts at Westminster by any who will sue.

Seet. 6. No hackney coach-man shall take for his hire in and about London and Westminster, or within ten miles thereof, above ten shillings per day, reckoning twelve hours to the day; and not above one shilling and six-pence for the first hour, and twelve-pence for every hour after. And no person shall pay from any of the inns of courts, or thereabouts, to any part of St. James's or Westminster (except beyond Tuttle-street), above twelve-pence; and from any of the inns of courts, or thereabouts, to the Royal-Exchange, twelve pence; and if to the Tower, Bishopsgate, or Aldgate, or thereabouts, one shilling and six-pence; and the like rates from and to any places of the like distance.

Seet. 7. No person shall be obliged to pay for a hackney-coach above twelve-pence for any distance not exceeding one mile and four furlongs; and if above that distance, and not exceeding two miles, one shilling and sixpence; and the commissioners shall cause the distance to be marked between the most noted places within the weekly bills.

Seet. 8. Hackney chair-men shall have no more than the rate of a hackney-coach, driven two-third parts of the same distance; and any hackney coach-man or chair-man exacting more, or refusing to go at that rate, forfeits forty shillings.

Seet. 9. The commissioners shall appoint under-officers, and they are not to take for their licences any gratuity, or any fee, other than what is to be paid to the crown, upon pain to forfeit their offices, and to be incapable of any grant thereof, or of any other office; only the clerks may take two shillings and sixpence for engrossing each licence.

Seet. 10. The commissioners and other officers shall take an oath for the due execution of their offices.

Stat. 11. The commissioners shall pay the money into the Exchequer, and upon oath deliver to the treasury books of accounts, containing all the licences granted, and the names and surnames of the persons to whom granted, &c. once in every year.

Stat. 12. The weekly and other rents and sums of money, and all forfeitures and penalties by this act, or by any by-laws made by the commissioners (the penalties to be incurred by the commissioners excepted) shall be levied by warrant of three of the commissioners, by distress of the goods of the offender, which shall be sold within ten days after the distress, &c. and if no distress can be had, the offender shall be committed by like warrant till the penalty be paid; and if the rent be behind fourteen days, the commissioners (without demanding the arrear) may revoke the licence.

Stat. 13. Offences against this act may be heard and determined by three commissioners in a summary way, upon the oath of one witness, or upon confession (the party being summoned) one moiety to the crown, the other to the informer.

Stat. 14. Persons sued for any thing done in pursuance of this act may plead the general issue; and if judgment be against the plaintiff, the defendant shall have double costs.

Stat. 15. No *certiorari* shall supersede execution, or other proceeding upon any order of the commissioners.

Stat. 16. The commissioners may make by-laws to bind the persons who have licences, and annex penalties for the better putting in execution this act, and for the good government of the persons licensed.

Stat. 17. The by-laws shall be approved by the lord chancellor and the two chief justices and chief baron, or any three of them, and then printed, and the breach of such by-laws shall be punishable by any justice of peace, mayor, or head officer, where the offence shall be committed.

Stat. 18. That part of the penalties which belongs to the queen, shall be transmitted to the receiver-general of the revenues of the *hackney-coaches*, and certified to the commissioners within ten days after levied, upon forfeiture of double the sum; two-thirds to the crown, the other third to the informer.

Stat. 19. Upon complaint to the commissioners that a *coachman* or *chairman* hath offended, he shall be summoned, and if he refuse to appear, or is found guilty of a misbehaviour, they may revoke his licence, for giving abusive language, or otherwise.

Stat. 20. *Coachmen* or *chairmen* licensed, may ply on the Lord's-day, notwithstanding the act 29 *Car. II. c. 7.*

Stat. 21. An account of the profits arising by licensing *coaches* and *chairs* shall be made annually before the auditors of the imprest.

Stat. 22. If any refuse to pay a *coachman* or *chairman* his just hire, or shall cut or break any *coach* or *chair* wilfully, any justice of peace may grant a warrant against the offender, and, upon proof on oath, award satisfaction; and, upon refusal to make satisfaction, may bind him over to the next sessions, which shall finally determine, and, for non-payment, levy by distress.

Stat. 49. If any person driving a *coach*, or carrying a *chair* for hire, under the licence of another person, as his servant, shall be guilty of any misbehaviour, by demanding more than his fare, or giving abusive language, or other rude behaviour, and being convicted on oath of one witness before the commissioners, or one justice for London, Westminster, Middlesex, or Surrey, he shall forfeit not exceeding twenty shillings to the poor of the parish; or if not able to pay, shall be sent to Bridewell, or some house of correction, to be kept to hard labour for seven days, and have the public correction of the house.

The commissioners powers are continued by 33 *Geo. II. c. 25.* so long as any part of the act for licensing *hackney-coaches*.

Stat. 10 Ann. c. 19. f. 158. The commissioners for *hackney-coaches* may license (over and above the number of *chairs* by the former act) any additional number not exceeding one hundred *hackney-chairs*, during thirty-one years, so that the number shall not exceed three hundred at one time.

Made perpetual, 3 *Geo. I. c. 7. f. 1.* part of the general fund.

Statute 12 Ann. c. 14. f. 1. The commissioners for licensing *coaches* and *chairs*, shall in the first place license the widows of *hackney chairmen*, who died possessed of any licences, unless such widows shall neglect to take licences, &c. within a reasonable time, to be limited by the commissioners, but not less than twenty days.

Stat. 2. Such widows and their *chairs* and servants, shall be liable to such rules, penalties, and orders, as any other *chairmen* are by the acts 9 *Ann. c. 23.* and 10 *Ann. c. 19.*

Stat. 1 Geo. I. c. 57. f. 1. The commissioners authorized to put the act 9 *Ann. c. 23.* in execution, may make such by-laws to bind persons licensed to keep *hackney-coaches*, the renters of such licences, and drivers of such *coaches*, and annex such penalties as they shall think fit; so as such by-laws be agreeable to the intent of this and former acts, and for the good government of the persons licensed, the renters and drivers, the same by-laws to be approved and put in execution, as by the act 9 *Ann. cap. 23.*

Stat. 2. If any *hackney-coachman* or driver shall refuse to go at, or shall exact more for his hire than shall be appointed, he shall forfeit a sum at the discretion of the commissioners, not exceeding three pounds, nor under ten shillings; the said offences to be determined, and the penalties levied as by the said act is directed concerning the forty shillings penalty.

Stat. 3. No persons shall ply or drive for hire with any *coach* or *coach-horses*, to attend at any funeral in London, Westminster, or the bills of mortality, except persons licensed by the commissioners, on pain to forfeit five pounds, as by the said act 9 *Ann. c. 23.*

Stat. 4. If any person shall drive a *mourning-coach* or *hearse* to any funeral, except the same have a number fixed on the forehead, or in some other place to be appointed by the commissioners, or except the same be the *coach* of some gentleman attending the master or any of the family; the commissioners, upon information, may summon the driver, against whom not appearing, they are empowered to proceed; and though no express hiring shall be proved, yet unless the party appear and prove a previous order from the owner of such *coach*, &c. to attend at such funeral, it shall be adjudged a driving for hire, and the party shall forfeit five pounds, to be recovered of the driver or undertaker of such funeral, to be levied and applied as aforesaid.

Stat. 5. If any person be sued for any thing done in pursuance of this act, he may plead the general issue; and if the plaintiff be nonsuit, &c. the defendant shall have double costs.

Stat. 6. No *certiorari* shall supersede execution, or other proceeding upon any order of the commissioners, in pursuance of this act.

Stat. 7. The alderman of every ward of the city, and every justice of peace in the said cities and counties, may inflict and levy the like penalties for any offences contrary to this act, as the commissioners may, provided that no person be punished twice for the same offence.

Stat. 12 Geo. I. c. 12. f. 15. The commissioners for *hackney-coaches* are (over and above the number of *chairs* authorized by the acts 9 *Ann. c. 13.* and 10 *Ann. c. 19.*) to license an additional number of *hackney-chairs* not exceeding one hundred, which, after the 24th of June, 1726, during eighteen years, shall be sued for hire within London and Westminster, and the bills of mortality; so that the number of all the *chairs* to be licensed shall not exceed four hundred.

Stat. 16. On every of the licences to be granted in pursuance of this act for keeping any *hackney-chair*, there shall be referred to his majesty the annual sum of ten shillings, to be paid quarterly, at the four usual feasts; and the *chairs* shall have the same rates, and be subject to the same rules, as are by the former acts prescribed.

Stat. 17. All monies to arise by rents of the additional number of *chairs*, shall be added to the funds settled by the act of 9 *Ann. c. 13.*

Continued by 16 *Geo. II. c. 26. f. 3.* to June 24, 1760, &c. and by 33 *Geo. II. c. 25.* so long as any act for licensing *hackney-coaches*.

Stat. 20 Geo. II. c. 10. f. 1. There shall be paid unto his majesty the small duties herein after expressed, viz.

For every *coach*, berlin, landau, chariot, calash, with four wheels, chaise-marine, chaise with four wheels, and caravan,

caravan, or by what name soever such carriages may be called, that shall be kept by or for any person for his own use, or to be let out to hire (except such *coaches* and other carriages as may be licensed by the commissioners for the duties on *hackney-coaches*) the yearly sum of four pounds.

And for every calash and chair with two wheels, or by what name soever such carriages may be called, to be drawn by one or more horses, that shall be kept by or for any person for his own use, or to be let out to hire, the yearly sum of forty shillings.

Which several duties shall be paid by the persons who keep the same.

Señ. 2. No person shall be obliged to pay the yearly sum of four pounds for more than five such carriages, on which the duty of four pounds a year is charged, to be kept for his own use only; but all persons who keep the same for supplying any waiting-job, by the day, week, month, quarter, or any other time, or to be let out to hire, shall pay the said yearly sum of four pounds for every *coach*, &c. kept to be let to hire, though exceeding the number of five; and every person who shall keep any chaise, &c. with two wheels, to be drawn by one or more horses, to be let out to hire, shall pay the said yearly sum of forty shillings for every such chaise, &c. kept to be let out to hire, though exceeding the number of five.

Señ. 3. Such of the said duties as are chargeable upon *coaches*, &c. kept in England, Wales, or Berwick, shall be under the management of the commissioners and officers of the excise in England; and such as are imposed upon *coaches*, &c. in Scotland, shall be under the management of the commissioners and officers of the excise in Scotland, who are to appoint officers for charging and collecting the same. And all monies arising by the said duties (the charges of raising and accounting excepted) shall be paid unto the receipt of the exchequer at Westminster, apart from all other revenues.

Señ. 4. Every person who shall keep any *coach*, &c. for his own use, or the use of any person for whom he is committee, trustee, or guardian, or to let out to hire in London, Westminster, or within the weekly bills of mortality, shall, within thirty days after the 25th of March, 1747, or within twenty days after he began to keep such *coach*, &c. give notice in writing at the chief office of excise in London; and every person who shall keep any such *coach*, &c. in any other part of Great-Britain, shall, within sixty days after the 25th of March, 1747, or within twenty days after he begins to keep such carriage, (not being in the place of a former) give notice in writing at the office of excise next to the place where such person for whose use the same is kept inhabits, of his keeping the same, and of the number of the *coaches*, &c. with four wheels, or chaises, &c. with two wheels, and of the parish or place where he resides, and shall at the same time pay the annual duties.

Señ. 5. Every person obliged to give such notice, shall, within twenty days after the expiration of twelve calendar months, after the times of such first notices, give a fresh notice in manner aforesaid, and pay the annual duties; and in the same manner renew such notice, and make such payment from year to year, as long as he keeps any such carriages; and if any person keeps any *coach*, &c. without giving such first notice, and making such payments, or without renewing such notice and payments yearly, he shall forfeit twenty pounds for each offence.

Señ. 6. Upon the payment of the duties by the owners, the names of the persons paying the same, and the number of the *coaches*, &c. kept, and the name of the parish or place where he and any person for whom he is committee, trustee, or guardian, resides, shall be entered in a register to be kept at the respective office of excise for that purpose by the person receiving the same; and a receipt (of which an indented duplicate shall be kept by the person receiving the money) shall be given to every person so paying such rates, which receipt shall contain the number of the register, the number of the *coaches*, &c. paid for, the sum paid, and the time for which it is paid, and be a discharge to the owner.

Señ. 7. Nothing in this act shall charge with the said duty any public *stage-coach*, constantly employed in carrying passengers for hire to and from different places in this kingdom, on certain fixed days in every week, and not

let out to hire by way of by-job, for a day, or any longer time.

Señ. 8. This act shall not charge with the said duty any post-chaise kept for hire by the post-master general, or by any deputy post-master in Great-Britain, authorized by him.

Señ. 9. All post-chaises so kept by such post-master general, or any deputy post-master, for hire, shall, within thirty days after the letting out of such chaises, be entered by the owners at the office of excise next to the place where such persons inhabit; and shall (besides his majesty's arms to be painted upon every such post-chaise) have such figure, or mark of distinction, as shall be appointed by the said commissioners; and in case any such post-master shall let out to hire any such post-chaise before the same is entered, and have such arms painted, or such mark fixed thereupon, he shall, for such offence, forfeit twenty pounds.

Señ. 10. It shall be lawful for the said commissioners to cause such figure, or mark of distinction, as they think proper, to be fixed upon every such carriage to let out to hire as aforesaid; and in case any person let out to hire any such carriage not having such figure or mark fixed thereupon, or take off the same when fixed, he shall, for every offence, forfeit twenty pounds.

Señ. 11. Nothing in this act shall charge with any of the said duties, any *coach* licensed by the commissioners for regulating and licensing *hackney-coaches* within London and Westminster, and the suburbs thereof, and having the proper number thereupon, and which shall not be employed in carrying any person more than ten miles from the said cities.

Señ. 12. Nothing in this act shall charge with any of the said duties any *coach* or carriage kept for sale, and remaining unsold in the possession of the owner, or of any coach-maker the purchaser thereof: and no such carriage shall, whilst in such possession, be employed for his own use, or the use of any person, other than such person whose like carriage shall be then repairing by such coach-maker, or be let out to hire; on pain of forfeiting twenty pounds for every time such carriage shall be so employed, or let out to hire.

Señ. 13. All the said duties, forfeitures, and offences, shall be heard and determined as hereafter it is directed, viz. all prosecutions for the recovery of the duties and forfeitures within the limits of the chief office of excise in London, shall be determined by the commissioners of excise, or by the commissioners for appeals, in case of appeal; and all prosecutions for the duties and forfeitures in any other place in Great-Britain, shall be determined by any two justices of peace residing near the place where such forfeitures shall be made; and if the party finds himself aggrieved, he may appeal to the next quarter-sessions, whose judgment therein shall be final: which said commissioners for appeals, and the commissioners of excise and justices of peace are, upon information upon oath of any forfeiture or offence, to summon the party accused, and upon his appearance, or contempt, and upon proof either by confession, or by oath of one witness, to give judgment, and to issue warrants for levying such forfeitures upon the goods of the offender, and to cause sale to be made of the said goods, if not remedied within fourteen days, rendering to the party the overplus; and for want of sufficient distress, to imprison the party offending till satisfaction be made.

Señ. 14. All forfeitures and penalties mentioned in this act (the charges for recovery being first deducted) shall be employed, one moiety to his majesty, and the other moiety to the informer.

Señ. 15. In every case where the duty shall be paid, and entry made, before any information laid of its not having been made within the time mentioned, no person having made such payment and entry shall be afterwards prosecuted for not having made it within the time limited.

Señ. 16. If any person, having made due entry and payment of the duty for any *coach* or carriage, die before the end of the year, for which such entry and payment is made, the person claiming title to such *coach* or carriage, may make use of it during the residue of the year.

Señ. 53. If any person be prosecuted for any thing done in pursuance of this act, he may plead the general issue: and

and if a verdict pass for the defendant, &c. the defendant shall have treble costs.

COACH-MAKER. The boy designed for this business ought to be possessed both of strength and ingenuity; and if he intends to be a master when his time is expired, he should have a very handsome fortune, on account of his dealing with persons of quality and distinction, who frequently require long credit.

The *coach-maker* makes the body of the coach, and all the carriage, except the wheels; and his business is compounded of that of the carpenter, shoe-maker, and taylor. As a carpenter, he forms the body and carriage of wood; as a shoe-maker, he covers the top and sides with leather, in which he is sometimes obliged to use his awl; and as a taylor, he lines the inside with velvet, cloth, or other materials, in which he is obliged to use his needle; and he puts together the several parts made by other artificers. His is a very profitable business both for the master and the journeyman. He expects twenty pounds with an apprentice, who must work from six to eight; in which hours a journeyman, who is a good hand, may earn four or five shillings. A master may set up with five hundred pounds; but it will require two thousand pounds to carry on a considerable business.

The wares of *coach makers* shall be searched by persons appointed by the saddlers company. *Stat. 1 Jac. I. c. 22.*

COACH-BUCKLE-MAKER. This artificer is a species of the smith; for he is solely employed in making iron buckles for the harness of coaches. These he forges with the hammer, files them, blacks them, or, if required, lacquers them, to give them the appearance of brass. This is but a poor business, in which every man is said to be his own master, and may be so without any ingenuity; but, by close application, he may get sixteen or eighteen shillings a week. They take about five pounds with an apprentice; and five or ten pounds will set up a master.

COACH-CARVER. The boy who is desirous of being put apprentice to this business, ought, before he goes apprentice, to learn to draw, and to be pretty expert in representing naked boys, fellows of fruit, flowers, and other ornaments; but has no occasion for perspective, or any rules relating to lights and shades.

Those of this business are employed by the coach-maker in ornamenting with carved-work, coaches, chariots, landaus, &c. and apply themselves to no other branch of carving. They work from six to eight; take from ten to twenty pounds with an apprentice; and fifty pounds will enable them to set up. A journeyman may earn thirty shillings a week.

COACH-CURRIER. The coach-maker deals with a currier, who dresses leather for no other use. There is no great difference between the manner of dressing coach-leather, and that for shoes and boots, except in substance. This currier buys up skins for this purpose and no other, and finds his account in dealing only with the coach-makers, who allow him pretty large profits; but he is obliged to give great credit. This is a greasy, stinking business, and requires strength. The *coach-currier* takes ten or twenty pounds with an apprentice; who, when out of his time, may earn fifteen or twenty shillings a week as a journeyman; but it will require two hundred pounds to set up master, and two thousand pounds to give the credit necessary in a great way of business.

COACH-FOUNDER. The founders, who are solely employed in working for the coach-makers, cast the ornaments on the corners, the brasses for the body, the hinges for the doors, the buckles for the harness, and all the other decorations made of brass or any other cast-metal used about coaches. They are furnished with moulds for all the cast-work used about coaches; know how to make moulds for new patterns, when required; and work in all respects upon the same principles as the other founders, from whom they only differ in the particular works cast. The profits of the master and journeyman are much the same with those of the other brass-founders; and the strength of constitution, and the genius required, are also the same.

COACH-HARNESS-MAKER. This is an artificer that requires very few abilities, and more strength than ingenuity. His business has some resemblance to that of a shoe-maker, as he works with an awl and waxed thread;

but both the master and the journeyman have much larger profits. A boy may be put apprentice to this business for five or ten pounds, and a hundred pounds will set him up as a master; but if he chuses to work as a journeyman, he may earn from fifteen to twenty shillings a week.

COACH-PAINTER. The boy who is desirous of being a *coach-painter*, ought not only to learn to draw, but to acquire some knowledge of heraldry: though this last part of his education may be learnt during the time of his apprenticeship. A principal part of his business being to draw coats of arms, he ought also, during his apprenticeship, to make himself acquainted with the genealogy of the principal families of the kingdom, and be able to blazon their arms; he should likewise learn all the terms used in heraldry, so as to be able to paint the arms of a gentleman from a verbal description. The art of the *coach-painter* also extends to the painting of agreeable devices, foliages, and ornaments of all kinds. It is a profitable business to the master, who takes from ten to twenty pounds with an apprentice; and the journeymen may earn three or four shillings a day.

COACH-WHEELER. The *coach-wheeler* is employed in making the wheels and carriages of coaches, chariots, chaises, &c. and his is a laborious business. The boy who is put apprentice to it, ought to have strength and activity. It is profitable to the master, who may set up with one or two hundred pounds. He takes five or ten pounds with an apprentice; who, after he is out of his time, may earn from fifteen to twenty shillings a week.

COALS and COAL-TRADE. *Stat. 9 Hen. V. c. 10.* The keels at Newcastle, which ought to be of twenty chaldrons burden, being made of twenty-two or twenty-three chalders, and the custom of two-pence a chaldal to the king upon *sea-coals* sold to people not free there, being taken according to the burden of twenty chaldal; all keels in the said port shall be measured by commissioners assigned by the king, and marked of what burden they are; upon pain of forfeiture of all keels in which *coals* shall be carried before they be marked.

Stat. 16 and 17 Car. II. c. 2. §. 1. All *sea-coals* brought into the Thames and sold, shall be sold by the chaldal, containing thirty-six bushels heaped, according to the bushel sealed for that purpose at Guildhall; and all other *coals* commonly sold by weight, shall be sold after the proportion of a hundred and twelve pounds to the hundred averdupois; upon pain of forfeiture of all *coals* otherwise sold or exposed to sale by any wood-monger or retailer, and double the value thereof; to be recovered by any person in any court of record, or by complaint unto the lord mayor and justices of peace of London, or any two of them, or to the justices of peace of the places where such *coals* shall be exposed to sale; who are, upon due proof, to convict the offenders, and to give warrant for levying the forfeitures; the one half for the use of the person prosecuting, and the other half for the poor, or repairing of the highways within the same or adjoining parish; and the lord mayor and court of aldermen, and the justices of peace of the several counties, or three of them, one of the quorum, are to set the prices of *coals* sold by retail from time to time. See 17 Geo. II. c. 35. in this title.

Sec. 2. If any retailer of *coals* refuse to sell as aforesaid, the lord mayor and alderman, and justices of peace respectively, are to appoint persons to enter into any place where such *coals* are stored; and in case of refusal, take a constable to force entrance; and the said *coals* to sell at such rates, rendering to such retailer the money, charges deducted.

Sec. 4. No person sued by virtue of this act shall be sued upon any other law for the same offence; and if any action shall be commenced for any thing done by colour of this act, the defendant may plead the general issue, and if the verdict be found for him, &c. shall have his damages and double costs.

Sec. 5. No person having interest in any wharf used for the receiving or uttering of *coals*, or that shall trade in the sale of *coals*, shall act in the setting the price of *coals*.

Made perpetual, 7 and 8 Will. III. c. 36. §. 2.

Stat. 30 Car. II. c. 8. §. 2. Commissioners shall from time to time be appointed by his majesty for measuring and marking keels, boats, carts, and wains, used for carriage of *coals* in the port of Newcastle, and places to the said port

port belonging, by the bowl-tub of Newcastle, containing twenty-two gallons and a pottle, Winchester measure, and being twenty-seven inches diameter upon the top from out to out, and allowing twenty-one bowls, heap-measure, to each chalders.

Sett. 3. The content of each wain shall be seven bowls; and of each cart, three bowls and one bushel, heaped-measure; and three wains, or six carts, shall be a chalders; and the *coals* made use of in such admeasurements shall be one moiety dry, and the other moiety wet, as accustomed.

Sett. 5. The mayor of Newcastle is to administer an oath to every person employed by commissioners for the admeasuring or marking of boats and keels in the river Tyne, for the faithful discharge of their trusts; and the commissioners shall administer the like oath to every person appointed for the measuring or marking of boats, keels, wains or carts.

Stat. 6 and 7 *Will.* III. c. 10. s. 2. Commissioners shall be appointed by the king for measuring all keels, pan-keels, pan-boats, and other boats, wains, and carts, used for carriage of *coals* in the ports of Newcastle, Sunderland, Cullercoats, Seaton-Sluice, Blyth-Nook, and all other places in the counties of Northumberland and Durham; which admeasurements shall be by a dead weight of lead or iron, or otherwise, as shall seem meet to three of the commissioners, allowing three and fifty hundred weight to every chalders of *coals*.

Sett. 3. The weight of *coals* carried by such wains, shall be seventeen hundred weight and a half; by every such cart, eight hundred and three-quarters. And three such wains, or six carts, shall be reckoned at one chalders, and no other wains are intended to be admeasured or marked, but such as are employed in carrying *coals* to the staiths.

Sett. 4. Three days notice shall be given of the time of the admeasurement.

Sett. 5. No keel or boat shall be marked but between the 25th of March and the 29th of September, nor marked to carry more than ten chalders; and keels in the port of Newcastle shall be marked at the New-Quay, and in the Wear at Lambton staiths.

Sett. 6. All keels, boats, wains, or carts, that shall carry *coals* before they be admeasured, marked, and nailed, shall be forfeited, together with the *coals* laden upon them, unless by default of commissioners; one moiety of the forfeiture to the king, and the other to him that shall sue for the same.

Sett. 7. If after marking, &c. the marks shall be removed and altered, to frustrate the intent of this act, the party so offending shall, upon proof by one witness before one justice of peace, forfeit ten pounds, to be levied by distress and sale of goods, by warrant from the said justice; and for want of distress, the party to be committed for three months; one moiety of the said forfeiture to the king, and the other to the party that shall make the discovery. And the said keels, boats, &c. to be admeasured and marked, &c. anew.

Stat. 6 and 7 *Will.* III. c. 18. s. 19. There shall be allowed yearly, from the 15th of April till the 1st of January, free from impressing, to every master of a ship employed in the coal-trade two seamen (such as the master shall nominate) for every ship under one hundred ton, and one for every fifty ton, for every ship of one hundred ton and upwards, according to the measurement which the ship shall appear to be of by certificate from the custom-house. And if any officer shall impress any of the men allowed by this act, he shall forfeit to the master or owner of such ship, ten pounds for every man, to be recovered with costs by action of debt, &c. and shall be incapable of holding office in his majesty's ships of war.

Quære if in force? See s. 28. as also *stat.* 11 and 12 *Will.* III. c. 13. s. 8. And 6 *Ann.* c. 22. s. 8.

Stat. 9 and 10 *Will.* III. c. 13. s. 1. For five years, from the 15th of May, 1698, there shall be paid to his majesty for coal and *culm* (except charcoal made of wood, and cinders made of *pit-coal*) the duties mentioned in the act.

Sett. 7. The duties upon *coals* and *culm* so imported or water-born, shall be under the management of the commissioners, and shall be paid into the exchequer distinct from all other monies.

Sett. 8. The said duties shall be paid to such as his majesty, or the commissioners of the customs, or four of them, shall appoint, before bulk be broken, or any *coals* or *culm* unladen, measured or weighed; and entries shall be made of all such *coals* and *culm* at the custom-house where they are imported (if any there be) or else in the custom-house of the next port; and if such *coals* or *culm* be unshipped before the duties be paid or secured, the said *coals* and *culm* and the ship, with tackle, shall be forfeited; one moiety to the king, the other to such persons as shall seize or sue for the same.

Sett. 9. His majesty, or four of the commissioners of the customs, may appoint in every port weighers or measurers of the said *coals* and *culm*; who, upon the unloading of any such ship, shall deliver a certificate to the collector, of the sorts and quantity of *coals* and *culm* delivered from any such ship, under the penalty of one hundred pounds. And in case there was on board a greater number of chalders or tons of *coals* and *culm*, than for which the duty had been answered, there shall be paid for every chalders or ton so concealed, over and above the duty, ten shillings, under the penalty of attaching and detaining such ship or vessel till payment thereof, and of selling the said ship, in case all the said duties for such concealed *coals* or *culm* be not paid with costs.

Sett. 10. If the importer shall, within six days after the delivery of such ship, and before her departure, give in his post-entry, and pay the whole duty for the surplussage, the penalty shall be discharged.

Sett. 11. The officers for receiving the said duties, and for weighing and measuring such *coals* and *culm*, shall in every such port enter an account of the duties paid, and of the disbursements, and the numbers of the chalders and tons so imported.

Sett. 12. There shall be allowed to every master of any ship three months for payment of the duty, giving such security as the collector or chief officer of the place shall approve of, with an allowance of ten per cent. per annum for prompt payment. And if any of the *coals* and *culm*, for which the duty shall be once paid or secured, be again exported to any other place of this kingdom, there shall be no farther duty paid; and if any of the *coals*, for which the duty shall be once paid or secured, be afterwards carried beyond-sea, an allowance out of the over-sea duties, or repayment shall be made of so much as was before paid for the same.

Sett. 13. If any person be prosecuted for any thing done in execution of this act, he may plead the general issue, and if a verdict pass for the defendant, &c. the defendant shall have treble costs.

Continued per 1 *Ann.* stat. 2. c. 4. together with so much of 10 *Will.* III. cap. 21. as concerns cinders, until 15th of May, 1708.

Stat. 10 and 11 *Will.* III. c. 21. s. 28. There shall be paid to his majesty for all cinders made of *pit-coal*, which for four years from the 15th of May, 1699, shall be shipped, or water-born, in order to be shipped, within England, &c. are brought into the same, five shillings, for every chalders to consist of thirty-six bushels, Winchester measure, and after that rate; to be paid at the places of importation or landing, and to be charged on the owner or master of the ship; and the duties upon cinders shall be under the management of the commissioners of the customs, and shall be collected, &c. as by the act 9 and 10 *Will.* III. cap. 13.

Continued with *stat.* 9 and 10 *Will.* III. cap. 13. by 1 *Ann.* stat. 2. cap. 4. Exp.

Stat. 8 *Ann.* c. 4. s. 1. For thirty-two years from the 29th of September, 1710, there shall be paid to her majesty upon all *coals*, *culm*, and cinders, herein after expressed, (except charcoal made of wood) the new impositions herein mentioned (over and above other duties) viz. for all *coals* imported from beyond-sea, usually sold by weight, three shillings per ton; for all *coals* so imported usually sold by measure, four shillings and six-pence per chalders, to be paid by the importer; and for all *coals* carried by sea from port to port within Great-Britain usually sold by measure, three shillings per chalders; and for all *coals* so carried usually sold by weight, two shillings per ton, to be paid at the place of landing, and charged upon the owners and master

master of the ship. And for all *culm* so carried, sevenpence and two-tenths of a penny, to be paid at the place of landing, &c. and for all *cinders* made of *pit-coal* shipped within Great-Britain, or brought into the same, three shillings *per chalders*, to be paid at the place of landing, &c.

Made perpetual by 5 Geo. I. c. 9. and part of the South-Sea fund.

Seet. 2. Such of the said duties as shall arise within England, Wales, &c. shall be under the management of the commissioners of the customs in England; and the receiver-general of the customs shall pay the same into the exchequer weekly on Wednesday, &c. And such of the said duties as shall arise in Scotland, shall be under the management of the commissioners of the customs in Scotland, and the receiver-general shall pay the same into the exchequer in England.

Seet. 3. The said duties shall be collected in manner, &c. appointed by any law in force concerning the duties upon the like *coals*, &c. which have continuance until the 30th of September, 1710, by *stat. 4 Ann. c. 6.* And all directions, &c. contained in the act (which only contains the powers contained in 9 and 10 Will. III. c. 13. and 10 Will. III. c. 21.) for collecting the said duties, shall be in force.

Seet. 39. *Coals, culm, and cinders* carried from Sterling to Dunbar, or other part betwixt, shall not by such carriage be liable to these duties.

Stat. 9 Ann. c. 6. f. 5. The duties herein mentioned, and no other, shall be paid to her majesty upon *coals*, which, during thirty-two years, from the 8th of March, 1710, shall be exported beyond the seas, viz. for *coals* of Wales or the West of England shipped for Ireland or the Isle of Man, one shilling *per chalders*; for every chalders of *coals* shipped for the plantations, two shillings; for every chalders of *coals*, Newcastle measure, shipped for other parts beyond-sea, in foreign bottoms, twelve shillings, and in English bottoms, three shillings; and for such *coals* which shall be so shipped for Ireland and the Isle of Man, the plantations or other parts beyond-sea (if such as are usually sold by weight) the rates following, viz. for such *coals* exported for Ireland or the Isle of Man, eight-pence *per ton*; and for such *coals* shipped for the plantations sixteen-pence *per ton*; and for such *coals* shipped for other parts beyond the seas, one-third of the rates charged thereupon, in case they were shipped by Newcastle measure: the said duties to be collected, &c. as the customs upon exportation of merchandize in England or Scotland respectively.

Made perpetual, 3 Geo. I. c. 7. general fund.

Seet. 6. Security shall be given to the officers of the customs in the ports where *coals* shall be shipped for Ireland, the Isle of Man, or the plantations, for landing such *coals* at such places respectively; the danger of the seas and of enemies excepted. And in case the ship depart without giving the same, such ship and the *coals*, or the value thereof shall be forfeited; one moiety to the queen, and the other moiety to such person as will seize on or sue for the same.

Seet. 7. During the said thirty-two years, no duties shall be charged to the use of her majesty upon exportation of *coals* for the plantations by the act 15 Car. II. c. 7. or for *coals* exported in foreign bottoms by *stat. 6 Ann. c. 22.* or for any *coals* upon exportation, other than the duties by this act imposed, during the continuance thereof.

Seet. 8. During thirty-two years, from the 8th of March, 1710, there shall be paid to her majesty upon all *coals, culm, and cinders* (except charcoal made of wood) which shall be shipped and carried from place to place in Great-Britain, and for *coals* imported, the same hereafter mentioned (over and above all duties already payable) viz. for *coals*, imported, usually sold by weight, two shillings *per ton*; for *coals* imported, usually sold by measure, three shillings *per chalders*, to be paid by the importer: for *coals* carried by sea from place to place in Great-Britain, usually sold by measure, two shillings *per chalders*; and for *coals* so carried, usually sold by weight, one shilling and fourpence *per ton*; to be paid at the place of landing, and charged upon the owners and masters of ships: and for all *culm* shipped in Great-Britain, or brought into the same, four-pence and eight-tenths of a penny *per chalders*; and for all *cinders* made of *pit-coal*, shipped in Great-Britain,

or brought into the same, two shillings *per chalders*; to be paid at the places of landing, and charged upon the owners and masters of ships.

Made perpetual by 3 Geo. I. c. 7. general fund.

Seet. 9. The said duties shall be collected, &c. as by *stat. 4 Ann. c. 6.* (which re-enacts the powers contained in *stat. 9 and 10 Will. III. c. 13.*) or any other law for collecting the like duties upon *coals*, &c. which had continuance till the 30th of September, 1710.

Seet. 10. *Coal, culm, and cinders*, carried from Sterling to Dunbar or Bedhead, or any part betwixt, shall not by reason of such carriage be liable to the duties.

Seet. 4. All *coals* used for melting copper and tin ores in Cornwall and Devon, for which duties have been answered, shall, upon oath made before the customer or collector, have a draw-back of all the duties, to be paid by the collector.

Stat. 9 Ann. c. 23. f. 90. *Coals* exported from the West of Scotland to Ireland, or the Isle of Man, shall be charged with the same duties as *coals* exported from the West of England, or the Isle of Man, by *stat. 9 Ann. c. 6. f. 5.*

Stat. 9 Ann. c. 28. f. 1. All contracts or agreements between any coal-owners, lightermen, fitters, masters or owners of ships, crimps, coal-factors, or other persons concerned in the coal-trade, or ingrossing *coals*, or restraining any persons from freely selling, buying, loading or unloading, navigating, or disposing of *coals*, are declared illegal and void: and if any person shall keep up, continue, act in, make, enter into, sign, seal, or be knowingly concerned in, any such contract or agreement, or shall keep up any office or place for the management of such contract or agreement as party to, or knowingly interested in the same, or shall act or officiate therein as clerk, agent, or servant, to the persons contracting, &c. the persons offending shall forfeit as follows, viz. every coal owner one hundred pounds, every fitter fifty pounds, and every master or owner of a ship, clerk, agent, &c. twenty pounds.

Seet. 2. Every fitter, or other person vending *coals*, shall give a certificate to every ship-master, every voyage, signed by him, containing the day and year of such loading, the master's and ship's name, and quantity, and names of the collieries out of which the *coals* are gotten, and the price paid by the master for every sort of *coals*; which certificate, upon arrival in the port of London, or other delivering port, shall be registered, and if in London, then at the cockpit-office; if at any other port, then at the custom-house with the keeper of the cockets, for which shall be paid six-pence, to which register any may have recourse without fee; and the persons refusing to make such certificate, or making a false one, or any master of a ship knowingly giving a false certificate to be registered, or who shall not within forty-eight hours after entry of his ship at the custom-house in London, or other delivering port, give in his certificate to be registered; or if the person who ought to register it, neglect it twenty-four hours after the delivery of the certificate, or shall make a false entry of such entry, or shall refuse to shew the certificate and register to any person coming at the usual office-hours, he shall pay ten pounds.

Seet. 3. If any lighterman, master of a ship, crimp, coal-factor, or other person dealing in *coals*, or otherwise concerned in the coal-trade, shall receive any salary or reward from any coal-owner, fitter, master of a ship, &c. or for the dispatch, delivery, or disposal of *coals* before any other, or shall knowingly sell *coals* for a fort they are not, he shall forfeit fifty pounds.

Seet. 4. If any person guilty of these offences shall, within three months after the offence committed, make discovery of any coal-owner, or of any fitter, their officer or servant, or of any master of a ship, or any lighterman, crimp, coal-factor, or other person concerned in the coal-trade, so as they be convicted of any of the said offences; such discoverer shall be discharged of the penalties, and shall have the same benefit as any other person, by virtue of this act.

Seet. 5. If more than fifty ships laden with *coal* shall continue either in the port of Newcastle, or in any other port between that and London, above seven days, unless they shall be unloaden or prevented by wind or weather,

or for want of convoy, repairs, or some other unavoidable cause; every master of every ship shall forfeit fifty pounds.

Sett. 6. Any ship-master, whose ship is laden with coals only, and has given bond to deliver them in some port of Great-Britain, may, upon producing his coast-cocket, and making oath before an officer of the customs of the quantity of coals (such quantity not being less than expressed in the cocket) pay the over-sea duty, and shall have a certificate from the customer for such duty paid; which being given into the custom-house of the port where such coals were laid aboard, shall discharge the coast-bond.

Sett. 7. If any crimp, husband, agent, or factor for any ship-master, importing coals into London, shall sell to his own agents, partners, or servants, or to any other in trust for him, the coals, &c. intrusted with him to sell, he shall forfeit fifty pounds.

Sett. 8. Every fitter, or other person loading coals on any ship in Newcastle, Sunderland, Seaton-Sluice, or Blyth-Nook, in any keel, cart, or wain, not gauged and marked, shall forfeit ten pounds.

Sett. 9. No coal-owner of any coal-mine in Northumberland, Durham, or town and county of Newcastle upon Tyne, or his over-men, stait-men, fitter, or agent, shall knowingly set on work any over-man, pit-man, sinker, carriage-man, waggon-driver, keel-man, labourer, wright, or other person, who shall be agreed with, hired, or actually employed by any other coal-owner in the said coal-trade in any coal-mines in the said counties, during the time he shall be employed under such retainer, and his wages paid, or knowingly keep such person; upon forfeiture of five pounds for every six days.

Sett. 10. Any person thus retained, and whose wages shall not be paid fourteen days after it is due, may be hired by any other person.

Sett. 11. The penalties in this act shall be one moiety to the crown, the other moiety to the prosecutor, within three months after the offence committed, to be recovered in the courts at Westminster with costs.

Sett. 12. This act shall continue three years.

Made perpetual, 1 *Geo. I. c. 26.*

Stat. 12 Ann. c. 9. f. 9, 10, 12. There shall be paid to her majesty upon all coals, which during thirty-two years, from the second of August, 1714, shall be shipped to be exported beyond-sea (except to Ireland, the Isle of Man, and the plantations) the duties following, viz. for such coals exported in foreign bottoms, five shillings per chalders, Newcastle measure; and in British bottoms, three shillings per chalders, Newcastle measure, over and above the present duties: under the management of the commissioners of the customs in England and Scotland respectively, to be collected as the present duties upon coals exported, or other customable goods.

Made perpetual, 6 *Geo. I. c. 4.* in order to be subscribed into the South-Sea fund.

Stat. 12 Ann. c. 17. f. 11. The coal-bushel shall be round, with a plain bottom, and be nineteen inches and a half from out to out, and shall contain one Winchester-bushel, and one quart of water, according to the standard described by *stat. Will. III. c. 5. f. 28.* [See weights, &c.] and all sea-coals and culm, chargeable with duties by Winchester measure, shall be chargeable, sold and measured, by the chalders, containing thirty-six bushels heaped, under the like penalties.

Sett. 12. The commissioners of the treasury shall cause a bushel to be made of brass, of the dimensions aforesaid, to be sealed and kept in the exchequer.

Stat. 5 Geo. I. c. 9. f. 1. For all coals and culm, which, after the 27th of September, 1725, and before the Annunciation, 1751, shall be brought into the port of London, or the river of Thames, within the liberty of the city upon the river, then shall be paid to his majesty, (over and above all other duties) for all coals and culm usually sold by the chalders, for every chalders containing thirty-six bushels, Winchester measure, three shillings; and for coals sold by the ton, for every ton three shillings.

Made perpetual, 6 *Geo. I. c. 4.* South-Sea fund, and charged with bank-annuities by 1 *Geo. I. c. 8.*

Sett. 2. These duties shall be under the management of the commissioners of the customs, according to the directions from the treasury; and shall be collected, &c. as by

any law in force for any other duty payable to his majesty upon coals and culm brought into the port of London.

Sett. 3. This act shall not extend to charge such coals, not exceeding one hundred chalders, by the year, as shall be bought for the use of the Royal Hospital at Chelsea.

Stat. 8 Geo. I. c. 14. f. 14. Coals carried from Ellenfoot to Bank-End, in the county of Cumberland, or any place between, shall not in respect of such carriage be liable to the duties in any other act.

Sett. 15. Provided, that the master or owner of every boat or vessel carrying such coals, do first enter into bond with sureties at least once a year, in a penalty not exceeding three hundred pounds, with a general condition, that all such coals as he shall take on board his vessel by virtue of a sufferance, shall be landed in some place in the bay or firth of Eden in Cumberland to the northward of Ellenfoot; and he shall bring a return, signed by the proper officer, that such coals were there landed; the person concerned paying for each bond one shilling, besides the stamps, and to the officers granting the sufferance and return, for each boat, four-pence.

Stat. 3 Geo. II. c. 26. f. 1. It shall be lawful for any persons who shall keep wharfs on the Thames, or any branch thereof, and for any other persons who shall deal in coals, or other goods, to employ their own lighters and other craft, in carrying of coals and goods to and from any ship in the Thames, and to and from any wharf where such goods might be lawfully landed or shipped off, so as the persons employed in navigating such lighter, &c. be duly qualified to row the same on the Thames.

Sett. 2. All persons (not being lightermen) who by virtue of this act shall become intitled to use their own lighters, shall, before working the same, make before the company of watermen, or some other whom the company are required to appoint for that purpose, an entry of their lighters or their craft; for each of which entries, the officer shall receive for the company five shillings; and thereupon he shall register the same, with the owner's name and place of abode, and the number or mark intended to be affixed on such lighter or other great craft; and after the entry, the owner shall affix such number in metal or colours on the outside of the lighter, visible above-water when loaded, there to remain without alteration (except with consent of the company, or in cases of involuntary accidents); and afterwards such lighter and the owner thereof shall be subject to the rules of the company, in regard to the entries, numbers, or marks.

Sett. 3. No lighterman, or buyer of coals for sale, nor any of their partners, agents, or servants, or any in trust for them, shall act as a crimp, agent, or factor, for any master of any ship importing coals into the port of London, on forfeiture of two hundred pounds; and every master, &c. who shall employ them to act as such, shall forfeit the like sum.

Sett. 4. Every person who shall take any premium or allowance from any coal-owner, fitter, or master of a ship, for buying, vending, or disposing of any particular sort of coals, or shall otherwise offend, contrary to the clause in the act of 9 *Ann. c. 28. f. 3.* shall, over and above the penalty inflicted by the said act, forfeit five hundred pounds; and every coal-owner, or fitter, who shall give, or agree to give, to any ship-master, lighterman, crimp, or buyer of coals, or to any person in trust for such ship-master, &c. any premium, &c. for buying, vending, &c. any particular sort of coals, or for the loading of any vessel with such coal-owner's coals, or for dispatch, delivery, or disposal of such coals from such coal-owners collieries or staiths, and every person who shall knowingly sell one sort of coals for another, shall forfeit five hundred pounds.

Sett. 5. Nothing in this act shall hinder any coal-owner from employing, or giving any salary or reward to any firer, for the vending and disposing of his coals from his colliery and staiths; or to prevent any master or owners of any ship, using the coal-trade, from employing crimps or factors (not being lightermen, or buyers of coal for sale) or any of their partners, agents, or servants, or any in trust for them, to sell or dispose of their loading of coals, or pay them their crimpage or factorage as usual.

Sett. 6. All bargains or contracts for coals between buyer and seller at the market of Billingsgate, or other place of

sale within the bills of mortality, shall, by the crimp or factor, be entered, with the conditions thereof, in the book of such crimp, subjoined by the seller and buyer, and witnessed by the crimp, who shall at the same time deliver gratis, a copy attested by him of such bargain to the seller and buyer, and the entries so made, and the copies so given, shall be admitted as evidence on trials in any court of law; and if any crimp or factor shall neglect to enter such contract, and to subscribe and attest the same, or to give copies thereof, he shall forfeit fifty pounds.

Sec. 7. All lightermen and other buyers of *coals* on board any ship in the port of London, shall, at the time of the delivery of such *coals*, pay for the same in ready money; or for such part thereof as shall not be so paid for, shall give their promissory notes, expressing the words, *value received in coals*, payable at such days as shall be agreed upon; and all such notes may be protested as inland bills of exchange; and in the default of such protesting, and notice by the indorsee to the indorser within twenty days after failure of payment, the indorser shall not be liable to pay such money as shall be mentioned in such note.

Sec. 8. All lightermen and other buyers of *coals*, who shall refuse to give their notes for *coals* to them delivered, and to insert the words, *value received in coals*; and every master who shall take such note from any dealer in *coals*, in which note the said words are not inserted, shall forfeit one hundred pounds.

Sec. 9. Every master of a ship using the coal-trade, shall be subject to the direction of the owners of the major part of his ship, and shall keep, and once a year render to such owners, if required, a true account in writing of the produce and expence of every voyage; and if he shall refuse to obey the owners directions, given under their hands, or to give such account, being required by order under their hands, he shall forfeit one hundred pounds, provided that in such direction, there be nothing which shall relate to the restraining or enhancing the price of *coals* in the Thames, or to keeping of turn in delivering of *coals* there.

Sec. 10. All lightermen and others dealing in *coals*, who shall sell any parcel of *coals* for pool-measure, including the ingrain, &c. one chalders, which, by an ancient custom in the port of London, is allowed in every score bought on board-ship, and shall not deliver to the buyers the full quantity measured to the lightermen, &c. by the master, together with the ingrain, shall forfeit one hundred pounds.

Sec. 11. All *coals* which shall be landed at any place on the Thames, or on any branch near thereto, and which shall be carried to any place within the cities of London or Westminster, or the bills of mortality, in any cart or carriage, shall be carried to the buyers in linen sacks, sealed and marked with white paint in oil at Guildhall, London, or at the Exchequer at Westminster, which sacks shall be four feet and two inches in length, and six and twenty in breadth, after they shall be made; and which sacks all dealers in, and carriers of, *coals*, shall use for carriage of *coals* within the said limits; and all makers of coal-sacks shall make them of the said dimensions, at least; and every dealer in, and carrier of, *coals*, who shall make use of any other sacks for carriage of *coals* within the limits aforesaid, shall, for every sack, forfeit twenty shillings.

Sec. 12. This act shall not extend to hinder any consumer of *coals* from fetching home his *coals* by porters, or in his own or hired carts, without being obliged to use such sacks.

Sec. 13. All dealers in, and sellers of *coals* by the chalders, or lesser quantity, within the cities of London and Westminster, or ten miles of the same, shall keep and use at their wharfs, and other places for sale of *coals*, a bushel, as described in the act 12 *Ann. stat. 2. c. 17. f. 11.* with which bushel sellers of *coals* shall measure all the *coals* they shall sell by the chalders, or lesser quantity, and shall put three bushels of *coals* into each sack: and all dealers in *coals* who shall offend in the premises, shall forfeit fifty pounds; and if any servant of such dealer in *coals* shall fill *coals* into sacks, without measuring the same by such bushel, he shall be committed to the house of correction to hard labour, not exceeding thirty days, nor less than fourteen days.

Sec. 14. All persons dealing in *coals*, and using coal-bushels, and smaller measures, shall, before they use them,

have them fitted for work and use with iron or copper; and after they are so fitted, shall carry them to Guildhall, or to the Exchequer-office, to be sealed with a steel instrument on the uppermost iron or copper hoop and strap; which measures shall be kept by them, without alteration; at their places of sale, which places of sale are declared to be the wharfs, warehouses, docks, sheds, cellars, or other repositories for *coals* of such as are dealers therein: and all dealers in *coals* who shall offend herein shall forfeit fifty pounds: and all persons who shall alter any such bushel, or other measure, or any of the sacks after they have been sealed or marked, shall forfeit fifty pounds.

Sec. 15. Any person who shall be guilty of any of the offences declared by this act, and shall within six calendar months after such offence, make discovery of any coal-owner, proprietor of a colliery, or of their agents or servants, or of any of their fitters, officers or clerks, or of any master of a ship, or of any lighterman, crimp, coal-factor, or seller or retailer of *coals*, or other person concerned in the coal-trade, who shall have committed any offence contrary to this act, so as they be convicted; the person making such discovery shall be discharged from the penalties for all such offences by him before that time committed, and shall be intitled to the same benefit from such discovery and conviction as any other person.

Sec. 16. All penalties in this act above five pounds, shall be one moiety to the crown, and the other to him who shall sue for the same within six calendar months after such offence committed, to be recovered with double costs; by action of debt, &c. in any of his majesty's courts of record; and all penalties in this act under five pounds, shall be recovered by complaint made to the lord mayor of London, or one justice of peace within the city of London, or one justice of the several places where such offender shall live; who are to call the parties before them, and examine such complaint on oath, and on due proof thereof made to his satisfaction, to grant a warrant for levying such forfeitures; one moiety to the informer, and the other to the poor of the parish where such offence shall be committed; and if such forfeitures shall not be forthwith paid, the same shall be levied by distress and sale of goods by warrant of the lord mayor, or such justice of peace; and for want of sufficient distress, the offender shall be committed to the house of correction for any time not exceeding thirty days, and not less than fourteen, to be kept to hard labour.

Sec. 17. This act shall be a public act.

Stat. 4 Geo. II. c. 30. f. 1. It shall not be lawful for any owners of any ship employed in the coal-trade, or any other person, to give any directions to any master of such ship, or to any agent employed in the selling of *coals*, which shall relate to keeping turn in selling or delivering *coals* in the Thames; and no master or other person having command of such ship, shall obey such orders, or keep turn as aforesaid; upon pain to forfeit one hundred pounds, one moiety to his majesty, and the other moiety to him who shall sue for the same within six months after the offence committed, to be recovered with treble costs by action of debt, &c.

Sec. 2. The master of every ship loaded with *coals*, or other person having charge thereof, shall deliver to the proper officers of the customs at London, -cocquets containing the lading of such ship, within four days after the arrival of such ship as high as Gravesend; on pain of forfeiting fifty pounds, to be recovered and disposed of in manner before directed.

Sec. 3. This shall be a public act.

Stat. 10 Geo. II. c. 32. f. 6. During the continuance of 9 *Geo. I. c. 22.* if any person shall wilfully and maliciously set on fire, or cause to be set on fire, any mine, pit, or delph of coal, he shall be adjudged guilty of felony without benefit of clergy.

Made perpetual by 31 *Geo. II. c. 42. f. 6.*

Stat. 11 Geo. II. c. 15. f. 6. If any buyer or seller of *coals* at Billingsgate, or other place of sale within the bills of mortality, being required, shall neglect to sign the contracts as by the act 3 *Geo. II. c. 26.* is directed; every such buyer and seller shall forfeit fifty pounds; one moiety to his majesty, and the other moiety to such as shall sue for the same in any of his majesty's courts of record at Westminster, within six months after such offence.

Stat. 7. Every master of a ship carrying *coals* as aforesaid, shall, after every voyage, produce to his owners (when required) a copy of such contracts signed by the crimp; and, in case of refusal, such master shall forfeit fifty pounds as aforesaid.

Stat. 8. It shall be lawful for the commissioners appointed in pursuance of 6 *Will. III. cap. 10.* or any three of them, to admeasure and mark all waggons, barrows, and other carriages, used in loading ships in the port of Newcastle and members thereunto belonging.

Stat. 9. This shall be a public act.

Stat. 13 Geo. II. c. 21. §. 1. If any person wilfully and maliciously divert, or cause to be diverted, water from any river, brook, water-course, channel, or land-flood, or convey or cause to be conveyed water into any coal-mine, pit, or delph of *coal*, or into any subterraneous cavities or passages, or make any subterraneous cavities, with design thereby to destroy or damage any coal-work, &c. belonging to any other person, or wilfully and maliciously destroy or obstruct any fough or sewer (which has been a fough or sewer in common for fifty years) made for draining any coal-work, &c. or attempt any such mischievous practice, or assist therein; every such person shall, for every offence, forfeit to the party aggrieved treble damages, and costs of suit, to be sued for by action of debt, &c. in any court of record at Westminster.

Stat. 2. Nothing in this act shall restrain any person, being the owner of any fough, drain, or sewer, from destroying, obstructing, or diverting, any such fough, drain, or sewer, as he may now lawfully do.

Stat. 14 Geo. II. c. 41. §. 3. For all *coals* which shall be used in fire-engines, for draining water out of the mines of tin and copper in Cornwall, and for which duties have been first paid, a draw-back shall be allowed of all such duties, upon proof by oath before the customer or collector of the said duties, that such *coals* have been so used; which draw-back shall be paid by the collector of the said duties to the person so making proof.

Stat. 17 Geo. II. c. 35. §. 1. The justices of peace of the several counties in England, Wales, and of Berwick, or three of them, whereof one to be of the quorum, shall be empowered to set the prices of *coals*, called *sea-coals*, brought by sea into any rivers, creeks, or ports, and sold by retail in any places in England, Wales, and Berwick; and if any ingrosser or retailer of such *coals* refuse to sell as aforesaid, the justices are to appoint persons to enter into any place where such *coals* are stored; and in case of refusal, take a constable to force entrance, and the said *coals* to sell at such rates, rendering to such ingrosser or retailer the money, charges deducted; and if any action be commenced against the justice, constable, or any person for any thing done in pursuance of this act, the defendant may plead the general issue, and if the verdict be found for him, shall recover his damages and treble costs.

Stat. 2. No person having interest in any wharf used for the receiving and uttering *coals*, or that trades in the sale of *coals*, shall act in the setting the price of *coals*. See the second act under this title.

Stat. 19 Geo. II. c. 35. §. 1. There shall be erected and continued within the city and liberty of Westminster, one public office, which shall be called, The land coal-meters office for the city and liberty of Westminster, which shall be managed by two persons appointed by his majesty, who shall be called, The principal land coal-meters for the city and liberty of Westminster; and the office shall be kept open every day (Sundays excepted) from the 25th of March to the 29th of September yearly, from six to twelve in the forenoon, and from one till eight in the afternoon; and from the 29th of September to the 25th of March, yearly, from seven till twelve in the forenoon, and from one till eight in the afternoon.

Stat. 2. No person shall be capable of acting as one of the principal land coal-meters, until he shall before two justices of the peace for Westminster, take an oath in the words following; to wit,

I, A. B. do swear, that I will truly and faithfully, according to the best of my judgment and ability, execute the office of one of the principal land coal-meters for the city and liberty of Westminster, and for that part of the duchy of Lancaster adjoining thereto; and for the several

parishes of St. Giles in the Fields, St. Mary le Bon, and for such part of the parish of St. Andrew, Holbourn, as lies in the county of Middlesex. So help me God.

Stat. 3. It shall be lawful for the said principal land coal-meters, or any of them, to appoint a sufficient number of persons to be labouring coal-meters within the said city and liberty, and the aforesaid part of the duchy of Lancaster, and in the said parishes, and the aforesaid part of the parish of St. Andrew, Holbourn; one of whom shall attend every day (Sundays excepted) at such of the coal-wharfs, or other place of sale, within the said limits, at which he shall be stationed by the principal land coal-meters, from the 25th of March to the 29th of September, yearly, from five to twelve in the forenoon, and from one till eight in the afternoon; and from the 29th of September to the 25th of March, yearly, from seven till twelve in the forenoon, and from one till six in the afternoon, to measure out the *coals* sold at the wharfs or warehouses, where he is stationed.

Stat. 4. No person shall be capable of acting as a labouring coal-meter, until he shall, before two justices of the peace for Westminster, take an oath in the words following; to wit,

I, A. B. do swear, that I will duly and faithfully, to the best of my skill and knowledge, execute the office of one of the labouring coal-meters for the city and liberty of Westminster, and for that part of the duchy of Lancaster adjoining thereto, and for the several parishes of St. Giles in the Fields, and for St. Mary le Bon, and for such part of the parish of St. Andrew Holbourn, as lies in the county of Middlesex; and will well and truly, according to the best of my skill and judgment, measure *coals* between buyer and seller, without favour or ill-will. So help me God.

And the justices who administer the said oaths, shall certify the taking thereof to the general quarter-sessions for Middlesex, there to remain on record.

Stat. 5. If any lighterman or other person, after *coals* delivered on board any lighter or craft of any ship, break bulk before the time of delivery at the wharf in the absence of the master, (or of the consumer or his agent, where the master is not obliged to attend the delivery) he shall for every offence forfeit five pounds.

Stat. 6. The stations for the said labouring coal-meters at the said wharfs, shall be varied as the principal coal-meters, or any of them, think fit.

Stat. 7. All contracts for *coals* to be delivered within the city and liberty of Westminster, or the aforesaid part of the said duchy, or the said parishes, or the aforesaid part of the parish of St. Andrew, Holbourn, directly from any lighter, &c. to the consumer (not being less than five chalders) shall be for pool measure, including the ingrain of one chalders in every score, according to the custom of the port of London, though the term of pool measure be omitted in any written or verbal contract for that purpose.

Stat. 8. All *coals* delivered as pool-measure at any wharf within the said city and liberty, or the said part of the said duchy, shall be loaded separately in the craft with the ingrain, and shall be so filled and delivered without being measured by the bushel, unless the buyer desire to have the same measure.

Stat. 9. All *coals* sold as wharf-measure within the said city and liberty, or the aforesaid part of the said duchy, or the said parishes, or the aforesaid part of the parish of St. Andrew, Holbourn, shall be measured in the presence of one of the labouring coal-meters, as is directed by 16 and 17 *Car. II. cap. 2.* and the labouring coal-meters shall fill up any bushel that appears deficient, out of the stock of the person vending the said *coals*.

Stat. 10. Four-pence by the chalders, for every chalders of *coals* sold and delivered at any wharf or place within the said limits, shall be paid by the seller to the principal land coal-meters, or to the labouring coal-meters, for the purposes following, viz. one moiety for the use of the principal coal-meters, and the other moiety for the use of the labouring coal-meters. And thereupon such principal land coal-meters shall deliver to every seller of such *coals*, or the carman who carries the same, a ticket signed by the principal

principal land coal-meters, or one of them; and counter-signed by the labouring coal-meters attending the same; in which shall be contained as well the Christian and surname of the sellers, as of the consumers, the quantity and quality, the price *per* chalders, and the day of the week, month, and year of the sales, delivery, and admeasurements, the amount of the metage charge, and the names of the carmen; which ticket, the metage being paid, shall be delivered by the labouring coal-meter counter-signing the same to the carmen, and by the carman to the consumer or his servant; and thereupon he shall pay to the seller the metage therein specified: and if the labouring coal-meter counter-signing such ticket, shall, after payment of the metage, refuse to deliver such ticket to the carman, he shall, for every such offence, forfeit five pounds; and if such carman either alter or neglect to deliver the same ticket to the consumer, or to the servant who attends to receive the *coals*, he shall forfeit for every such offence five pounds.

Sett. 11. If any cart in which more than eight bushels shall be sent from any place within the said limits, without first having obtained such ticket, the vender of the said *coals*, and the driver of such cart, being convicted by the oaths (or if by quakers, by affirmation) of two witnesses, before one justice of peace for Westminster or Middlesex, shall for every offence forfeit as follows, viz. the vender fifty pounds, and the driver five pounds.

Sett. 12. If any meter appointed by virtue of this act deliver any false ticket, or wilfully make any false measure, and be convicted by the oaths (or if by quakers, affirmations) of any two witnesses before any justice of peace for the said liberty or county, he shall be incapable of acting as a coal-meter, and forfeit five pounds.

Sett. 13. No *coals* belonging to any dealer above eight bushels under any one contract, shall be sent from any wharf or storehouse within the said limits, except in the presence of one labouring coal-meter.

Sett. 14. This act shall not extend to the owners of any works for raising water by fire, nor who at any time have twenty chalders of *coals* or upwards, in any lighter or other crafts, and who shall not vend such *coals*, but they may have twenty chalders of *coals* or more, delivered upon the inspection of their own agent in the absence of a meter, and in that case such persons are hereby exempted from payment of metage; and, if they require the attendance of any meter appointed in pursuance of this act, then they shall pay the metage of four-pence by the chalders.

Sett. 15. If any such labouring coal-meter wilfully suffer any *coals* sold as wharf-measure (exceeding the quantity of eight bushels) to be sent from any wharf or warehouse within the said limit, without being measured as is herein directed, and give not information thereof to the principal land coal-meters, or their deputies, at the said office within two days after, and be convicted thereof by the oaths of two witnesses, such labouring coal-meter shall from thenceforth be incapable of acting as a labouring coal-meter within the said limits, and forfeit five pounds.

Sett. 16. If any dealer in *coals*, directly or indirectly, give to any labouring coal-meter, appointed in pursuance of this act, any fee (other than the sum of four-pence by the chalders) or if any labouring coal-meter, directly or indirectly, receive from any dealer any such fee, other than the sum of four-pence by the chalders; every such dealer shall, for every such offence, forfeit fifty pounds; and the labouring coal-meter, who received such fee, shall be from thenceforth incapable of acting as a coal-meter within the said limits, and forfeit five pounds.

Sett. 17. If the driver of any cart loaded with *coals*, or any person belonging thereto, or employed therewith, deliver any *coals* under his care, otherwise than for the use of the owner, and be convicted, he shall, for every such offence, forfeit five pounds.

Sett. 18. If any person be dissatisfied with the measure of any *coals* under this act, the same *coals* shall (either upon acquainting the seller or the carman, at any time during the delivery thereof, and before the carman be discharged) be re-measured either in the presence of a sea coal-meter, from the sea coal-meters office in London, or one of the meters, or their agents appointed in pursuance of this act; for which shall be paid four-pence, and no more, for every chalders; and in case the *coals* thus re-measured, amount not to the measure for which they were originally sold, they

are hereby liable to the penalties inflicted by law for offences of this sort.

Sett. 19. After notice given in writing to the seller of such *coals*, or to the carman, and whilst such *coals* remain in either of their possession, of such dissatisfaction, such seller or carman shall not leave the cart in which such *coals* are laden, but shall remain with the same, and take care both of the *coals* and cart, till a meter appointed in pursuance of this act can be procured to re-measure such *coals*; and they are on notice delivered, or left at the office in writing, in any of the office hours, to attend for that purpose.

Sett. 20. No person who shall be a seller of *coals*, or dealer in, or employed in the carrying of *coals*, or a wharfinger, or entered in any wharf, shall be capable of acting either as a principal or labouring coal-master.

Sett. 21. The penalties imposed by the act shall be recovered and applied for the purposes following, viz. such of the penalties as exceed 5*l.* by action of debt, &c. in any court of record at Westminster; one moiety of which penalties (that is, where each of them exceed 5*l.*) shall be to the use of his majesty, and the other moiety (with costs) to the use of such person who shall inform or sue: and all other penalties shall be received by way of complaint unto any justice of peace for Westminster or Middlesex, who shall call the parties before him, and examine such complaint upon oath (or upon affirmation, in the case of quakers) and upon proof grant a warrant for levying such penalties, one moiety to the use of the informer, and the other moiety to the use of the poor of the parish in which such offences are committed; and in case such penalties be not after conviction forthwith paid, they shall be levied by distress and sale of goods of the offenders by warrant of such justice, and for want of sufficient distress such offenders shall be committed to the house of correction for any time not exceeding thirty days, and not less than fourteen days, there to be kept to hard labour.

Sett. 22. If any person so convicted think himself aggrieved, he may appeal to the general quarter sessions for Middlesex, next after such conviction (but not afterwards) and that sessions shall, at the next session after bringing such appeal, finally determine the same; and if the appellant shall not make good his appeal, or prosecute the same with effect, the session shall award costs, to be then with the penalty adjudged on such conviction paid to the informer, and for want thereof commit the person appealing to the common gaol of Middlesex, there to remain until he pay such costs and penalty; but in case the appellant make good his appeal, and be acquitted of his conviction, the same court shall award to such appellant reasonable cost, to be paid by the person on whose information such conviction was founded; and for want of such payment shall commit such informer to the common gaol of Middlesex, there to remain until he pay the costs so awarded; but no conviction by virtue of this act shall be quashed for want of form only.

Sett. 23. No writ of certiorari shall issue to remove the record of any conviction or proceeding therein, in pursuance of this act, into any court of record at Westminster.

Sett. 24. If any action be brought for any thing done in pursuance of this act, the same shall be commenced within six months after the fact, and be laid in Middlesex, and the defendant may plead the general issue, and if the plaintiff be non-suited, &c. the defendant shall have full costs.

Sett. 25. This act shall be deemed a public act.

Sett. 26. This act shall continue for three years from the 24th of September 1746, and from thence to the end of the then next session of parliament.

Continued to the 24th of June 1759, by 31 *Geo. II. cap. 35. sec. 4.* and for seven years more, and to the end of the then next session, by 32 *Geo. II. cap. 27. f. 2.*

Stat. 22 Geo. II. cap. 37. f. 1. No officer of the customs in Great-Britain shall clear outwards, any ship wherein *coals*, *culm*, or *cinders* shall have been exported from Great-Britain to any place beyond the seas, nor grant any warrant, cocquet or other dispatch for the clearing outwards either for a coasting or foreign voyage any such ship, or for the loading on board therein any goods, nor permit any such ship to go out of any port in Great-Britain,

Britain, until all the duties payable for such *coals*, &c. exported beyond the seas in such ship the last preceding voyage, be paid; or until an authentic certificate under the hands and seals of the collector, customer and comptroller, or other chief officer of the customs of the port where the *coals* &c. so exported were first shipped, signifying that the said duties are paid, be produced; and every officer acting contrary to the meaning of this act, shall for every such offence forfeit 100 l. to his majesty, to be recovered by bill, &c. in any court of record at Westminster, or in the exchequer at Edinburgh respectively, wherein no es-
 foïn, shall be allowed.

Señ. 2. If any action be commenced for any thing done in pursuance of this act, the defendant may plead the general issue, and if the plaintiff be non-suited, &c. the defendant shall recover treble costs.

Señ. 3. If any master or other person taking charge of any vessels whereon *coals*, *culm*, or *cinders* are laden in any port in Great-Britain, in order to be carried coast-wise to some other port within the realm, or having given bond accordingly, proceed with his said loading of *coals*, &c. to parts beyond the seas, and there unlade and dispose of the same, not being compelled by stress of weather or other lawful necessity, he shall, for every such offence, forfeit for every chaldier of *coals*, &c. so exported contrary to this act, five shillings, over and above all duties payable for the same; to be recovered by action of debt, &c. in any court of record at Westminster, or in the exchequer at Edinburgh respectively, wherein no esfoïn, &c. shall be allowed; one moiety to the use of his majesty, and the other moiety to the use of such person as shall inform or sue.

Stat. 23 Geo. II. c. 26. f. 4. If either of the principal land coal meters appointed by virtue of 19 Geo. II. c. 35. neglect to station labouring coal-meters at the wharfs, and at the times by the said act directed, he shall for every such offence forfeit ten pounds; and if any labouring coal-meter so stationed, shall not attend and perform his duty, he shall for every such offence forfeit forty shillings, which penalties shall be recovered and applied as any other penalty is directed by the said act.

Stat. 30 Geo. II. c. 19. señ. 28. There shall be paid to his majesty for every chaldier of *coals*, Newcastle-measure, shipped for exportation beyond the seas, except to Ireland, the Isle of Man, or his majesty's plantations, an additional duty of four shillings; and after the same rate for any greater or less quantity, over and above the duties now payable: to be collected and paid in the same manner, and under such penalties as the former duties on the exportation of *coals*.

Señ. 29. The monies arising from the additional duty, and paid into the exchequer, shall be entered apart from all other monies; and shall be part of the fund established by this act.

Stat. 31 Geo. II. c. 15. f. 1. It shall be lawful for any person during fifteen years, and from thence to the end of the then next session of parliament, to export any quantity of *culm* to Lisbon in Portugal, upon payment of a duty of one shilling for every chaldier, Newcastle-measure, and after that rate for any greater or lesser quantity; so as the exporter before the loading of such *culm*, become bound, with other sufficient security, in treble the value, to the commissioners, or chief officer of the customs belonging to the port where such *culm* is shipped (who have hereby power to take such security in his majesty's name, to his use, and for which security no fee shall be given) that such *culm* shall be landed at Lisbon in Portugal, and not elsewhere; and that a certificate under the hand and seal of the British consul-general, or deputy-consul, residing at Lisbon, shall, within twelve calendar months from the date of the said bonds (danger of the seas excepted) be returned to the officers who took the said bonds, that such *culm* hath been landed at Lisbon; and in case the ship in which any *culm* is put on board, for which such security ought to be given, go out of the port before such security is given, the ship and the *culm* therein, or the value, shall be forfeited, and may be recovered; one moiety to the use of the king, and the other moiety to the person who will seize, inform, or sue.

Señ. 2. The said duty on *culm* exported to Lisbon shall be raised in the same manner, and under such penalties, as the duties payable upon the exportation of *coals*.

Señ. 3. If any action be commenced for any thing done in pursuance of this act, the defendant may plead the general issue, and if the plaintiff be nonsuit, &c. the defendant shall recover treble costs.

Stat. 32 Geo. II. c. 27. f. 1. If the driver of any cart loaded with *coals*, or any person belonging thereto, or employed therewith, deliver or suffer to be delivered from such cart any *coals* under his care, otherwise than for the use of the owner, and be convicted, as in the 19 Geo. II. c. 35. is mentioned; he shall, for every such offence, be publicly whipt, or committed to the house of correction for three months.

Señ. 2. In case any person be dissatisfied with the measure of any *coals*, and such *coals* be re-measured, in pursuance of the 19 Geo. II. c. 35. and upon such re-measuring fall short of the quantity for which the same were originally sold and measured; then the principal coal-meter shall, for every bushel which they fall short, forfeit forty shillings, to be recovered and applied as the penalties inflicted by the 19 Geo. II. c. 35.

Señ. 3. If any labouring coal-meter deliver a ticket for any quantity of *coals*, without having seen the measuring of the whole quantity expressed in such ticket, the principal coal-meters shall forfeit five pounds, to be recovered and applied as the penalties inflicted by the 19 Geo. II. c. 35. and every labouring coal-meter so offending, upon complaint to a justice of peace for Westminster or Middlesex, and upon proof to his satisfaction, shall be committed to the house of correction, and be kept to hard labour for any time not exceeding thirty days, and shall be for ever incapable of acting as a labouring coal-meter under this act.

Señ. 4. After the 24th of December, 1759, all sacks made use of for the carriage of *coals*, within the limits mentioned in 3 Geo. II. c. 26. par. 67. shall be four feet four inches in length, and twenty-six inches in breadth after they are made; nor shall any of less dimensions be scaled or marked at Guildhall in London, or the Exchequer-office at Westminster; and if any person dealing in *coals* within the limits aforesaid, use sacks of any less dimensions than before directed, every such person shall, for every offence, forfeit forty shillings, to be recovered and applied as the penalties inflicted by 19 Geo. II. c. 35.

Señ. 5. If any person as a labouring coal-meter suffer any coal-sacks to be made use of for the carriage of *coals*, less than four feet in length, and two feet in breadth, within side the sack, or neglect to perform his duty at the wharfs, as in the 19 Geo. II. c. 35. is directed, he shall, for every such offence, forfeit forty shillings, to be recovered and applied as the penalties inflicted by the said act.

Señ. 6. Such justice upon every such complaint is to summon the parties before him, and to examine such complaint upon oath, (or affirmation if the witness be a quaker) and upon proof of his offence to his satisfaction, to grant a warrant for the commitment of such offender to the house of correction, there to be dealt with as aforesaid.

Señ. 7. After the commencement of this act, none of the provisions made by the 19 Geo. II. c. 35. or by this act relating to the payment of any sums of money for the admeasurement, or inspection of the admeasurement of *coals*, or to the punishment of any dealer in *coals* or carter, on account of sending *coals* from any place within the limits aforesaid, shall be in force; except where the buyer shall have signified, by notice in writing, to one of the principal coal-meters, or one of the labouring coal-meters, his desire to have the attendance of a coal-meter to inspect the admeasurement of his *coals*; and where a coal-meter shall, pursuant to such notice, attend and inspect the admeasurement of the whole quantity of such *coals*.

Señ. 8. The 19 Geo. II. c. 35. continued by 23 Geo. II. c. 25. and 24 Geo. II. c. 57. and 31 Geo. II. c. 35. and all the provisions in the said acts which are now in force (other than so far as any of them are varied by this act) shall be put in execution during the continuance of this act; and this act shall take effect from the 24th of June, 1759, for seven years next coming, and to the end of the then next session of parliament; and shall be a public act.

Stat. 33 Geo. II. c. 15. f. 1. If any person have occasion to carry any *culm* to be used for the burning of lime in any vessels not exceeding thirty tons burthen, from any

place within the port of Milford, or the limits thereof, to any other place within the counties of Pembroke, Carmarthen, Cardigan, or Merioneth; the master of such vessel may apply to the collector of the said port, or his deputy, for a sutturance to ship such *culm*; and the said collector, or his deputy, are to grant every such master a sutturance accordingly, in which shall be inserted the quantity of *culm* to be shipped; and the officer, to whom the sutturance shall be directed, is to attend the shipping of all the *culm* expressed in the sutturance, and to certify on the back of the sutturance the quantity: and the master or owner shall pay to the collector one shilling for every chaldron of such *culm*: and the collector, or his deputy, shall, upon receipt of such duty, grant a certificate under the seal of his office to such master, setting forth the quantity of *culm* shipped, and that the duties have been paid; and such certificate shall be a clearance for such vessel to any place within the counties aforesaid; for which certificate it shall be lawful for such collector, or his deputies, to receive one shilling, and no more; and it shall not be lawful for the said collector, or any other officer, to take any other fee.

Seft. 2. The master of every such vessel, on board whereof any *culm* shall have been shipped within the limits aforesaid, shall, upon his return to Milford, make oath, before the collector of the said port, or his deputy, of the place where, and the time when, he landed his former cargo of *culm*; and such master shall not be permitted to ship any other cargo of *culm* until he have made oath as aforesaid: and in case such master shall fraudulently change either his own name or the name of the vessel, to prevent a discovery of the place to which he carried his former cargo of *culm*, and shall be convicted, either upon confession, or upon the oath of one witness, before any justice of peace of the county where the offence shall be committed, he shall, for every such offence, forfeit five pounds; and it shall be lawful for the said collector, or any person he shall appoint, to seize such vessel, and detain the same, until the said five pounds be paid, and the charges of seizing and detaining; which penalty of five pounds shall be applied as other penalties by the laws relating to the customs.

Seft. 3. Whenever any *culm* shipped at any place within the limits aforesaid, for which the duty hath been paid, shall be lost, proof being made upon oath before the collector of such port or his deputy, such collector or his deputy shall permit the owner to ship the like quantity of *culm* duty free, and without any charge other than the fee of one shilling.

By 5 *Geo. III.* From and after the first of June, 1765, the following additional duties are to take place, viz. four shillings *per* chaldron on all *coals* shipped for exportation to parts beyond-seas, except to Ireland, the Isle of Man, and the British dominions in America.

By 6 *Geo. III.* in regard to the due admeasurement of *coals*, so much of the act 19 *Geo. II.* as was not altered by act 32 *Geo. II.* together with the last mentioned act, are further continued to the 24th of June, 1780.

By 6 *Geo. III.* The present method of loading coal-ships, in the ports of Newcastle and Sunderland, being found inconvenient to the coal-trade, for remedy thereof it is hereby enacted, That, from and after the first day of June, 1766, all fitters, agents, or others, vending *sea-coals*, and loading ships with the same, at the ports of Newcastle and Sunderland, are to keep regular and true lists of ships entered at their respective offices for loading of all such *coals* as they usually vend; which lists are to be hung up or placed in some conspicuous part of the respective offices, in order that the same may be inspected by any master or mate of a ship applying for the same; and, when the master or mate of any ship which shall then be past or within two miles of Tynmouth-bar, or within two miles of the port or harbour of Sunderland, as the case may be, shall apply to the office of any such fitter, agent, or vender of *coals*, and make a tender in cash, or in bank post-bills, payable seven days after sight, to the amount of the *coals* at the respective prices the several sorts of such *coals* are then sold at, together with the usual charges of carrying the same from the staiths to the ship; such ship is to be immediately entered in the list of such fitter, &c. next after the last ship which shall then be entered in such list, and is to be loaded in its due turn: or, if the master or mate of any ship,

who shall so apply within the port of Newcastle, produces lightermen's notes or bills of exchange to a sufficient amount, and desires time, not exceeding two hours after the bank at Newcastle is open, in order to convert the same into cash, such ship is nevertheless to be immediately entered upon such list; and if the money, or such bank post-bills as aforesaid, to the amount of the loading of *coals*, and the charges, shall be brought or tendered to the said fitter, &c. within the time aforesaid, such ship is to have the same turn as it would have been intitled to if cash had been tendered on the first application.

A ship is to be loaded with the fitter or agent, &c. with whom it is entered; and, if a master or mate chuses to alter the sort of *coals* for exportation, he is at liberty so to do, provided he loads with the same fitter, &c. at the usual price.

A fitter not keeping such list, or refusing inspection thereof, or not loading upon the conditions aforesaid, or causing unnecessary delay, forfeits one hundred pounds; and a master, acting contrary to the rules here prescribed, forfeits a like sum.

No fitter of the port of Sunderland shall be obliged to take upon his list, or load in turn, any ship exceeding the burden of sixteen keels; and, when the owner or master, having the care of any ship entered in such list, shall have taken in as many *coals* in the said harbour as he shall think fit, every such fitter shall be at liberty to load the next ship in turn on his list, within the said harbour, and so on until some one or more of such ships shall have sailed out of the said harbour into the road, which ships shall then be loaded up in the said road in turn as they stand in such list, as soon as the weather will permit; and the owner or master, having the care of any such ship so lying and loading up in the road, shall be answerable, to the fitter loading up such ship, for the loss or damage of any keel or keels, and the *coals* on board them, sent off to load up such ship, as has been customary.

And whereas the iron manufacture near Newcastle, belonging to Mess. Crowley and company, have large standing contracts for serving his majesty's navy with stores of fundry kinds; and that their three ships (about one hundred and sixty tons burden each) which bring a few *coals* at bottom, may not be detained, which may be of great detriment to the government service, they are hereby excepted, and permitted to have what *coals* they want for ballast, while they are employed in the above service, as soon as they have occasion to order them, without waiting their turn in rotation.

This act is to continue in force for seven years, and, as a public act, is to be judicially taken notice of as such by all judges, justices, &c. without specially pleading the same.

COAL-CRIMPS. These are a kind of factors, who sell ship-loads of *coals* by commission to wholesale dealers, as wharfingers, lightermen, &c. They take one hundred pounds and upwards with an apprentice, whose business is chiefly that of a clerk; and ought therefore to write a good running-hand, and to be well versed in accompts. To these clerks, when out of their time, they give fifty pounds a years and upwards.

COAL-MERCHANT. The *coal-merchant* contracts for *coals* being brought to the port of London, and sells them to private families and retail dealers; but never less than a chaldron at a time. They take one, two, or three hundred pounds with a clerk, who must be master of his pen; and, as they must give credit, require a considerable sum to carry on trade for themselves.

COASTS, under this denomination are comprehended the *coasts* of *Africa*, of *Spanish America*, in the North and South-Seas, of *Coromandel*, *Malabar*, of *Pescherie*, and *India*, which may be seen under their respective articles.

COASTING, is that part of navigation, where the places assigned are at no great distance, so that a ship may sail within sight of land or soundings.

In order to perform this part of navigation, there are required, the compass, a lead, or sounding line, and a competent knowledge of the nature of the coasts.

COBALT, a ponderous, hard, fossil substance, almost black, emitting a strong sulphureous smell when burnt, often mixed with copper, and sometimes with silver. See **ARSENIC**.

COBILE,

COBILE, COVID, or COUDE, a long measure used in several parts of India, being unequal and varying as the aune does in Europe. At Surat, Mons. Tavernier makes it two feet and sixteen lines, and it is divided into twenty-four *tasots*, each *tasot* a trifle more than an inch.

COCHIN, a kingdom on the coast of Malabar, which commences where Cranganor ends, had two capitals distinguished like those of Cranganor, and *Cochin* of the Portuguese, and was taken by the Dutch in January, 1667.

COCHINEAL, a drug in many respects approaching to the nature of *kermes*; and though properly an animal, it has, like the other, had the fortune to be long accounted a vegetable production.

Cochineal, as we meet with it in the shops, is a small body of an irregular figure: it is always, however, oblong, convex on one side, and a little concave on the other; it is marked with several transverse furrows like the incisions on the backs of the generality of insects. It is very light, and of a friable texture, easily crumbled to pieces between the fingers. Its colour is a dark purplish, almost black on the surface, and a fine strong crimson within. Some of it is of a dusky grey on the surface, with a mixture of red in it, and this is generally found to be the very finest of all. It is brought to us from Mexico, where it is collected in very great quantities.

We have discovered so much of *cochineal*, as to find, by expanding its parts in water, and viewing it with a microscope, that it is an insect of a somewhat oval figure, with six legs, and a proboscis at its head destined for sucking the juices of the plant it lives on; that its body consists of several rings like those of most other insects, and that it has many other essential parts of the animals of this class. Besides, we find by depositions taken in a judicial way before a magistrate, that it is an insect of the viviparous kind, and one of those that undergo no changes, never appearing in any other than the form we see it in, if it were not so much injured, as it usually is, in the carriage.

Mr. Reamur examined *cochineal*, and, after having established his class of gallinsects, creatures that appear to be the least, establishes a second class nearly approaching to the former, but one degree at least above them in their approaches to the characters of animal life, which he calls progallinsects. They pass a great part of their life fixed immovably to some part of a plant as the gallinsects do, but they never lose their figure like those creatures.

Of this class is the *cochineal*, an insect of such consequence as an article of trade, that it is not left to breed at random, but regular care is taken of it, and the nicest management applied to every season and circumstance of its growth.

The plant on which the *cochineal* is naturally found, and on which the Spaniards raise it, is described by all the botanical writers under the name of *opuntia* major. This plant entirely consists of leaves, which are oval thick bodies, joined end to end, and running into ramifications by means of new ones which grow outsidewise. The flower is moderately large; the fruit resembles our fig in shape, and is full of a crimson juice, which tinges the urine of the same colour, after eating it. It is evidently to this purple juice, that the *cochineal* insects, which feed on this plant also, owe their colour.

The Mexicans plant the *opuntia* all about their habitations for the sake of the *cochineal*, of which they make several collections in the year. When the rainy season approaches, they know their collecting *cochineal* is over that year; they therefore cut off the pieces of the *opuntia*, on which there are any considerable number of the *cochineal* insects, that are not yet arrived at their full growth; these they carry into their habitations, and place them carefully out of the way of all harm. The pieces of the *opuntia* thus cut off remain succulent for the whole rainy season, and at the end of this time the insects are found so well grown, that they are ready to bring forth their young.

The people now prepare for multiplying these for next year's crop; they make little kinds of nests, either of moss, or the thready matter of their cocoa-nuts, or the like; into each of these nests they put twelve or fourteen insects, and then carry them out and place them between the leaves of the *opuntia*, the plantations of which they take

care to have at that time in very good order. The prickles of the *opuntia* make these nests easily fixed, and in this manner they people their whole plantations in a few days; though the quantity is not small that they thus place upon them; for these very *cochineals* of the nests make their first crop, which is gathered not long after. They allow between thirty and forty insects to the jointing of every leaf of the plant to the next.

The free air has such an effect on these insects, that, within three or four days after being exposed to it, they bring forth their young. Every mother produces several thousands, as small as the minutest mite. The young insects leave the nests after a little time, and run about the plant; they soon fix themselves, but they always choose the most succulent parts of the plant, and those least exposed to the wind; where they remain fixed till they have acquired their full growth, and are ready to bring forth young. In all this time they never erode the leaves, they only suck part of the juices by means of their proboscis. In the colder countries they always cover with matting for some time the plants on which the nests are, and where the young insects are fixing themselves.

Multitudes of insects feed on the *cochineal* in its fixed state; but the people who raise them are at infinite pains to keep the plants clear of all other besides themselves. The ants are very fond of being about them, but it is only for the sake of the extravasated juice of the plants found near the wounds they make in them. The first crop of *cochineal* is that of the parent animals in the nests, which is a gathering very easily made. When they have brought forth their young, they die there, and there is no more trouble than taking the nests off the plant and shaking them out.

The second gathering is of the insects brought forth by these; this is about three months, more or less, after the former. The Indians brush these off the plants with a pretty stiff hair pencil, and catch them as they fall. In this second gathering they are very careful not to strip the plants wholly of the insects, leaving a great many of the old ones: and they never disturb the young already produced by the others. The third crop is furnished by these young ones, and those produced by the parent animals left there. This happens at about three months after; at which time these young ones are full grown, and are gathered as the former, only leaving a stock behind. Not long after this, usually comes on the rainy season. The young insects, brought forth by those they leave on the plants at the third gathering, are what they find on the leaves which they at this time cut off and preserve, to furnish three or four successive crops the ensuing year.

They make the last gathering when they cut off the leaves for housing. They are not at the pains to dislodge them singly with a pencil, but brush over the whole plants carelessly, so that there fall many fragments of the spines, &c. with the *cochineal*; and this is mixed with the old and young of various sizes: this is of much less value than the other more carefully picked *cochineal*, and the Spaniards call it *Granilla*. The parent animals of the former gatherings would live many days after they were dislodged, and bring forth their young, which would get away in great quantity, and a great deal of the weight of the *cochineal* be lost: to prevent this the Indians destroy the creatures.

Some do it by plunging the basket, in which they are, into boiling water, and afterwards exposing it to the sun to dry them. Others have a coarse sort of oven built on purpose, called *temiscales*, into which they put the *cochineal* as soon as gathered, and give just heat enough to kill them. The Indian women have a kind of flat-stone, under which they kindle a fire, and place their cakes of maize bread on; these they call *comales*, and some use them to kill the insects.

The difference in colour of the *cochineal* we receive is chiefly owing to the different methods of killing the insects, and the different degree of heat the Indians venture to give them. The *cochineal*, while living, is usually covered with a downy matter like our gallinsects. Those killed in hot water lose a great part of that powder. Those killed in the *temiscales* retain this powdery matter, and become of a greyish colour, mixed with crimson; and, finally,

finally, that which is dried on the baking-stones, runs a great hazard of being burnt, and generally becomes blackish. The Spaniards, who are very nice in their distinctions of the *cochineal*, call that killed in water, and which has lost its greyness, *renegrida*; that killed in the temiscals, from its marbled appearance, *jalpeada*; and the last, which is generally overbaked and blackish, *nigra*.

Four pounds weight of the dead parent animals of the first crop dry to one pound; and three pounds fresh of the other crops generally afford one pound dry.

The fecundation of the *cochineal* insect is the same with that of the kermes, and all others of the gallinsect and progallinsect class. All the creatures fixed on the opuntia, and gathered for *cochineal*, are females. The males are quite different animals, being little flies no way resembling the *cochineals*, though produced by the same mothers. These, it is firmly believed, impregnate the *cochineals*.

By carefully soaking a large *cochineal* in warm water, we not only see all the parts of an animal, but by gently pressing it one may force out of its body a number of red granules, which, when closely examined, prove to be embryos. This may be seen in the picked specimens of the fine mestique *cochineal*, but vastly better in some of the larger specimens picked from among the wild *cochineal*, as it is called: This is a mixture of small and large grains.

The quantity of *cochineal* brought annually into Europe is said to be no less than eight or nine hundred thousand weight: of which the Spanish flota, Mr. Neufville observes, brings between two and three thousand serons, each seron containing from a hundred, a hundred and thirty to two hundred pounds weight; the vessels which precede the flota are charged with from seven to fourteen hundred serons each; the English Assiento-company imported a large quantity; besides other ships from the same part of the world are occasionally loaded with large quantities of it. At a moderate computation, four thousand and eighty of these insects go to the ounce, and consequently sixty-five thousand two hundred and eighty to the pound: what an immense number then is it that is collected of these little creatures every year?

It is a very singular circumstance attending *cochineal*, that it is not liable to decay. *Cochineal* preserved in a box, with no particular care at all, will keep ever so long unhurt; and after ever so great a time, is as fit for all purposes either of dying or medicine, as at first.

Mr. Neufville, before-mentioned, procured some *cochineal* which had remained in a store-house a hundred and thirty years, and was then perfectly good.

Cochineal was wholly unknown to the ancients. It possesses much the same virtues with kermes; it is esteemed a great cordial, sudorific, alexipharmic, and febrifuge; but to make it singly a remedy for all kinds of fevers, the malignant ones not excepted, is carrying its praise a great deal too far. Hernandez tells us, that the Indians use it as an astrigent, mixing it in powder with strong vinegar. It is greatly used by the painters and dyers, the high crimson colour it affords being scarce equalled by any thing, and making, according to their different management of it, all the degrees and kinds of red.

Since, by the late definitive treaty of 1763, we have so greatly extended our acquisitions in America, especially on the continent; and, amongst the rest, the late Spanish Florida is ceded to the crown of Great-Britain; it is now judged, that some of our own possessions will furnish us with this very important article, used in the scarlet dye, and other kinds of red dyes. See DYEING.

Cochineal may be imported from any port in Spain, by any person residing in his majesty's dominions, or in any ship belonging to any place in amity with his majesty. 6 Ann. c. 33. 12 Ann. c. 18. f. 3.

May be imported till the 29th of September, 1760, and thence to the end of the then next session of parliament, by any person, in any ship belonging to Great-Britain, or to any kingdom or state in amity with his majesty, from any place whatsoever. 1 Geo. I. c. 40. f. 1. 13 Geo. I. c. 25. f. 1. 2 Geo. II. c. 28. f. 2. 7 Geo. II. c. 18. f. 3. 14 Geo. II. c. 34. f. 2. 20 Geo. II. c. 47. f. 7. 27 Geo. II. c. 18. f. 2.

COCHINCHINA. This kingdom is seated between those of Camboja and Tunquin, on a gulph bearing its name; its length is about a hundred and ten leagues,

and its breadth, in some places, only ten, twenty, or twenty-five at most; and notwithstanding its small extent, it has the kingdoms of Chiampa and Thien for tributaries, where it carries on a very great commerce.

Its chief foreign trade is that of China and Japan, carried on by the Chinese settled here, or those of Canton. The Europeans, especially the Dutch, load many merchandizes here; the French have hardly any of their nation here but missionaries. The commodities extracted of the growth of the place are gold, (which comes from the mines, or dust collected in the gravel from some rivers) calembac-wood, which grows in the kingdom of Champoa, from whence they can only bring it to *Cochinchina*, and which sells for its weight in gold, even on the spot; pepper is also extracted from hence, and sent to China; silks gathered in such quantities, that even the cordage of their galleys and fishermen's nets are made of it; taffeties, which are the only stuffs made here; sugar, shipped commonly for Japan; wax, areca and betel; rice, with which many ships are annually laden; in fine, those birds-nests so much esteemed by all the Indians, as a salutary food, which serve them at once both for aliment and regale.

COCKEIN, an imaginary specie, used in Japan, in accounts, like the pistole in many parts of Europe, being in value about ten livres, as the Carolus of the Low Countries.

COCKET. When the goods you intend to export are made up in the packages you think proper, whether in bales, bags, boxes, casks, or in any other manner, you must carry the true contents to the custom-house, by a bill of entry like the following one, viz.

In the Mary, Joseph Thomas, for Lisbon.

T. S.

T. S. Two cases of hats, viz.

N^o 1. qt. 90 dozen.

2— 18

Cases 2 108 dozen.

T. S. Two trunks of stockings.

N^o 1. qt. 82 dozen.

2— 32

Trunks 2 114 dozen.

Of these bills you must write seven, and act with them as directed for the bills inwards; and on having satisfied the customs, you will have a small piece of parchment called a *cocket*, which testifies your payment thereof, and all duties for such goods; and having marked and numbered your goods, you indorse the same on the back of the *cocket* and of your shipping-bill, mentioning the true contents of each bale, &c. This *cocket* and shipping-bill you must give to the searcher, with his fee; and after paying the wharfage and portage of your goods, you may ship them off; and take care that you remind the person who carries them on board, to bring you the mate's receipt for them, which you deliver to the captain when he signs your bills of loading.

The form of a cocket.

Know ye, that T. S. Ind. for 108 dozen of hats, and 114 dozen of stockings, in the Mary, Joseph Thomas Master, for Lisbon, paid all duties. Dated August 30, 1766.

On the back of the *cocket* write the marks, numbers, and also the quantity of the goods contained in the *cocket*: thus,

N^o 1. 1 Case qt. 90 dozen of hats.

T. S. 2. 1 Case qt. 18 dozen of hats.

1. 1 Trunk qt. 82 dozen of hose.

2. 1 Trunk qt. 32 dozen of hose.

If several sorts of goods are exported at once, of which some are free, and others pay customs, the exporter must have two *cockets*, and therefore must make two entries, one

one for the goods that pay, and the other for those that do not pay, custom. See CERTIFICATE.

COCAS, or Coko, the fruit of a tree growing in Malabar.

The tree grows generally strait, without any branches, thirty or forty feet high. It bears on the top twelve leaves nearly ten feet long, and half a foot broad, which the inhabitants use to cover their houses, &c.

From this tree the Indians extract a liquor, which they call furi, of a grateful taste, and when drank in quantity, intoxicates. They also prepare from it a vinegar, and a species of sugar, called jagra.

The tree bears fruit twice a year, and those sometimes twice as big as a man's head. While the nuts are new, and the bark tender, they yield half a pint of a clear cooling water; which in a little time becomes first a white, soft pulp, and at length condenses, and assumes the taste of the nut.

COCOA-NUTS. See CACAO.

Cocoa-nuts must be entered and warehoused at importation, in like manner as coffee and tea; and if intended to be made into chocolate, must be entered with the respective collector of the inland duties (as a charge upon the importer and buyer); who is to certify such entry to the warehouse-keeper, whereupon they are to be delivered, with a permit signed by the officer there attending, to be delivered to the officer where intended to be carried.

But if intended for exportation may be delivered, upon sufficient security given to the commissioners of the customs. 10 Geo. I. c. 10. s. 26, 30.

Dealers therein not to dispose of less than 28 lb. at any one time, and to enter down the Christian and surnames, and places of abode, of all persons to whom any *cocoa-nuts* are sold, on forfeiture of 20 l. for every pound of *cocoa-nuts*. 12 Geo. I. c. 28. s. 29.

Such account to be produced, when requested by the officers of the inland duties on chocolate, who may inspect and peruse, &c. the same, on forfeiture of 20 l. for every time refused.

Shells, or husks, imported without the nuts thereunto belonging, are seizable by officers of customs or excise, with bags, boxes, or package containing the same. After seizure, to be condemned, and destroyed, or disposed of according to the direction of the commissioners of customs or excise. 4 Geo. II. c. 14. s. 14.

The officer discovering the same, to be rewarded in any sum not exceeding twenty shillings per hundred weight. 4 Geo. II. c. 14. s. 12. See COFFEE, ARRACK.

COD. The fishery of *fresh-cod* is in the Bay of Canada, on the great Bank of Newfoundland, and about the Isle of St. Peter, and the Isle of Sable. The fishery elsewhere is inconsiderable. The vessels are double-decked, and carry from one hundred to a hundred and fifty tons.

The most essential part of the fishery is, to have a master who knows how to cut up the *cod*, one who is skilled to take the head off properly, and, above all, a good salter, on which the preserving of them, and, consequently, the success of the voyage, chiefly depends.

It is said the Biscayans, fishing for whales, discovered first the greater and lesser Cod-Bank, a century before Christopher Columbus's expedition, as well as Canada, and the new land of Bacalao, or *Cod fish*; and that it was a Biscayan Newfoundlander who first reported it to Columbus, according to several cosmographers. See the article BISCAY, and remarks thereupon.

Others ascribe the discovery of it to a native of St. Malo, named James Cartier, who is said, in effect, to have directed the Bretons to it. But, be this as it will, it is certain, since this discovery, all the European nations that trade by sea, have effected a discovery of this important nature the most certain and advantageous branch of trade.

This great Bank is about twenty-five leagues from Newfoundland, about one hundred and fifty long, and fifty broad.

The best season is, from the beginning of February to the end of April; the fish, which in the winter retire to the deepest water, coming then on the banks, and fattening extremely.

What is caught from March to June keeps well; but

those taken in July, August, and September, when it is warm on the banks, are apt to spoil soon.

Every fisher takes but one at a time; the most expert will take from three hundred and fifty to four hundred in a day: but that is the most, the weight of the fish, and a great coldness on the bank, fatiguing very much. It is salted directly: when the head is taken off, and it is opened and gutted, the salter stows them in the bottom of the hold, head to tail, in beds a fathom or two square, laying layers of salt and fish alternately, but never mixing fish caught on different days. When they have lain thus three or four days, to drain off the water, they are replaced in another part of the ship, and salted again; after which they are no more meddled with.

They are differently sorted, according to the places where they are delivered and sold.

By the definitive treaty of 1763, the French are now absolutely deprived of the powerful fortifications of Cape-Breton, and of the possession of all Canada and its dependencies; and are now intitled to no possessions contiguous to Newfoundland, except the very small islands of St. Peter's and Miquelon, and which the sixth article of the treaty says, "That the king of Great-Britain cedes the islands of St. Pierre and Miquelon, in full right, to his most Christian majesty, to serve as a shelter to the French fishermen; and his said Christian majesty engages not to fortify the said islands, to erect no buildings upon them, but merely for the convenience of the fishery, and to keep upon them a guard of fifty men only for the police."

Great-Britain enjoying by the said treaty, at present, the full right of possession of all other places adjacent to the Newfoundland fisheries, and France possessing only the before-mentioned two very small islands, and those under such restrictions and limitations as the treaty has provided; there does not seem any great likelihood that it will soon be in the power of the French to disturb the British subjects in this part of North-America. We seem to have nothing to dread from France in those parts but their smuggling trade; and the same treaty having restrained them from fishing within a certain distance from the coasts, a proper care taken on our parts to keep guarda costas there, may pretty effectually prevent such practices. A vigilant look-out, to oblige the French, at first, to adhere inviolably to the treaty, will deter them from any very detrimental practices of this sort; and if they should here grossly deviate from the sense of the treaty, it seems now to be in the power of this nation to chastise them for so doing, without much expence at any time, and that, perhaps, by depriving them of the right of fishing at or near Newfoundland at all. I cannot therefore but be of opinion, that so wise and politic a kingdom will be cautious in the steps they shall take, lest they should for ever hereafter be excluded from the Newfoundland-fisheries. This will prove a check upon them: for they are so extremely sensible of the prodigious advantage of this fishery, and so very intent upon pursuing it, that, from their first attempts to make themselves considerable at sea, they have had it perpetually in view. They first obtained leave to fish, upon paying a duty of five shillings per cent. Afterwards they got that acknowledgment relinquished. Not content with this, they went further still; they procured a cession to be made to them of the Island of Cape-Breton, a maiden fishery, that had scarce ever been touched before; whereas that of Newfoundland is greatly exhausted, and also several islands in the Gulph of St. Laurence. Still discontented, they further obtained the liberty of curing and drying their fish, setting up stages, and resorting to our island of Newfoundland, during the time it is of any use to resort thither, that is, during the fishing season. They, indeed, delivered us up the possessions of Placentia, and some other places in Newfoundland; but they took care to have a much better place yielded to them in lieu thereof; with this extraordinary favour to them more than to us, that they have the liberty granted them to frequent our island of Newfoundland, and erect stages, &c. but we had not the privilege allowed us of doing the same on any of their islands, or on the island of Cape-Breton, which they had expressly permitted granted them to fortify as they pleased. See FISH.

COFFEE, the berries of a shrub common in Arabia Felix.

Coffee is rather used as a food than as a medicine; yet it has many medicinal virtues. It is a fruit approaching to an oval or semi-oval form; smaller than a horse-bean, and is of a remarkably tough, close, and hard texture. It is prominent on one side, and flattened on the other; and all along the middle of this flat part there runs a deep and large furrow. It is moderately heavy, hard to cut or break before it is roasted; and is of a pale greyish colour, sometimes with an admixture of greyish. We have properly two species of *coffee* brought into the shops; the one is thicker, heavier, and paler, which comes from Mocha; the other is thinner, and generally of a greyish cast; this is brought from Grand Cairo. Both sorts have the same qualities; and neither of them have much smell till roasted; both are of a farinaceous leguminous taste, while raw.

Coffee is to be chosen firm, solid, and large, sufficiently dry, and of no bad smell; what is damp or musty, if not too far gone, may be sometimes reduced to a tolerable state in the roasting; but it is never equal to the more perfect kind.

Coffee was wholly unknown to the ancient Greeks, and even to the Arabian writers: the earliest knowledge of it is about three hundred and fifty years standing; and it has not been used a third part of that time in Europe. The *coffee* was some time known before we knew any thing of the tree which produced it. We owe the real knowledge of it to the Dutch, who procured some slips of the tree to be sent from Mocha, and propagated it in the Amsterdam garden, since which time it has been brought into many other parts of Europe; and at present is not uncommon in our own stoves.

It is a shrub of the number of the *pentandria monogynia* of Linnæus, and of the *arbores fructu dipyrino* of Mr. Ray. It was first well described by Jussien, under the name of *jasminum Arabicum lauri folio cujus semen apud nos caffè dicitur*. In Arabia Felix and Æthiopia, the coffee-tree is full of flowers and fruit all the year round; they gather the berries twice or three times in the year; they lay them in the sun till dried, and then the pulp and the skin easily separate from the seeds on rubbing. The reason of their not growing when sown is only this, that it is necessary to have them perfectly ripe, and to plant them immediately from the tree. *Coffee*, distilled by the retort, yields first an insipid and inodorous phlegm; then a smaller quantity of an austere and subacid liquor; after this, another liquor, acid and austere, containing both an acid and an urinous salt; and, finally, a thick oil like butter, nearly three ounces from the pound. The remainder in the retort, burnt and lixiviated, will yield an alkaline salt about three drachms to the pound.

The virtues of *coffee*, as a medicine, are stomachic and aperient; the best method of taking it is in the usual way of decoction, as we drink it for pleasure. It is found to assist digestion, and to be good against flatulencies, and a customary constant drinking of it to be of service against habitual suppression of the menses, and against sleepy disorders of many kinds: it attenuates and dissolves the inspissated humours, and always proves diuretic, and sometimes gently cathartic. Hill.

Coffee must be exported in the original package, or package containing the same quantity, or not under four hundred weight, with the same marks and numbers as at first entry; unless exported to Ireland, or the British plantations. 5 Geo. I. c. 11. f. 10. 9 Geo. I. c. 8. f. 8. 2 Geo. II. c. 28. f. 3.

And cocoa-nuts may be garbled in the warehouses from dirt, stones, &c. 10 Ann. c. 26. f. 34, 45. 10 Geo. I. c. 10. f. 26.

Tea, chocolate, and cocoa-nuts.—Sellers and dealers in *coffee*, tea, cocoa-nuts, or makers or sellers of chocolate, before the said goods are taken into custody, are to enter (in writing) at the next office, the warehouses, &c. intended to be made use of; upon forfeiture of two hundred pounds, besides the goods and package. 10 Geo. I. c. 10. f. 10.

Not to be brought into such warehouses, till notice be given to the officer of that division, with a certificate from the officer from whence brought, that the inland duties have been paid for *coffee*, tea, chocolate, and that the cocoa-

nuts have been entered at the custom-house; upon forfeiture, and treble the value, besides the package. 10 Geo. I. c. 10. f. 11.

Not to be sold but in a warehouse, &c. and entered as aforesaid, or a warehouse approved of by the commissioners of the customs for *coffee*, tea, and cocoa-nuts; upon forfeiture, and treble the value, besides the package. 10 Geo. I. c. 10. f. 14.

Officers in the day-time may enter warehouses, and take an account of the quantity and quality; the proprietors to be assisting, and to keep just weights and scales. Opposing officers, neglecting to provide just, or keeping false weights and scales, or not assisting the officer, the forfeiture is one hundred pounds. 10 Geo. I. c. 10. f. 12.

Concealed, with intention of fraud, forfeited, with treble the value, together with the package. 10 Geo. I. c. 10. f. 39.

Upon an officer of the inland duty's oath, of suspicion of concealment, made before the commissioners, or a justice of the peace, they may, by warrant, empower him at any time (but if in the night, with a constable) to enter into any warehouses, and seize all such concealed goods as forfeited, together with the package. Officers obstructed, the forfeit is one hundred pounds. 10 Geo. I. c. 10. f. 13.

Coffee, tea, chocolate, and cocoa-nuts.—The quantity sold exceeding six pounds weight, the officer of that division to give a certificate to the officer where intended to be removed, expressing the quantity, buyer and seller, and testifying the payment of the duties. 10 Geo. I. cap. 10. sect. 15, 35.

Removed without such certificate, forfeited, with the package.

The certificate to limit the time it is to continue in force. 10 Geo. I. c. 10. f. 16.

Sold or consumed in quantities under six pounds weight, the dealers to keep an account daily, in a book provided by the commissioners of the inland duties; which, when filled up, is to be returned upon oath, and another new one granted. The said books to lie open to be perused by the officers. Upon refusal or neglect, the offender to forfeit one hundred pounds. 10 Geo. I. c. 10. f. 35.

Another book to be kept for quantities above six pounds weight, which must not be removed without a permit, expressing the quantity, quality, seller, buyer, place, and payment of duty, or that they were condemned as forfeited. 10 Geo. I. c. 10. f. 35.

More than six pounds weight found in the custody of the keeper of any public house, shop, &c. such persons to be deemed dealers within the meaning of this and the act 10 Geo. I. c. 10. 11 Geo. I. c. 30. f. 4.

Officers of the customs, or inland duties, assaulted or obstructed in the seizure, the goods rescued, or the package damaged after seizure; the offender to forfeit fifty pounds. 10 Geo. I. c. 10. f. 40.

Officers to take an oath for the faithful execution of their office. 10 Geo. I. c. 10. f. 43. See ARRACK.

Coffee, tea, and chocolate.—Oaths enjoined on the sealers or dealers, relating to their trade and entries, by 10 Geo. I. c. 10. may be administered by such person as the commissioners shall appoint within the bills of mortality, and by the collectors and supervisors in other parts of Great-Britain. 11 Geo. I. c. 30. f. 11.

Upon an officer's oath of suspicion of untrue entries, the commissioners, or a justice of peace, to summon the dealers, with their entry-books, and examine them upon oath. The penalty for neglecting or refusing attendance twenty pounds. 11 Geo. I. c. 30. f. 12.

Coffee, tea, and Cocoa-nuts.—Security given for the exportation may be discharged by certificate of their being landed in foreign parts, under the common seal of the chief magistrates, or under the hands and seals of two known British merchants there residing; or upon proof that they were taken by enemies, or perished at sea. 10 Geo. I. c. 10. f. 26, 30.

Coffee, tea, and cocoa-nuts.—Not entered and warehoused, to be deemed as run, and unlawfully imported; and may be seized, with the package and carriages, &c. 10 Ann. c. 26. f. 35. 10 Geo. I. c. 10. f. 27.

Payment of the duties, or the lawful condemnation, as forfeited: disputed, proof to lie on the owner or claimer. 10 Geo. I. c. 10. f. 28.

Warehouse-keepers, who are to be appointed by the commissioners of the customs, and the officer of the inland duties there attending, each to keep books of all *coffee*, &c. brought in and carried out, with the particular quantities for home-consumption, exportation, and remaining; and to transmit an account in writing, and upon oath, every six months, to their respective commissioners; who, in one month after, are to cause the said warehouses and accounts to be inspected. Warehouse-officers offending, rendered incapable, and to forfeit one hundred pounds. 10 *Ann. c. 26. f. 36.* 10 *Geo. I. c. 10. f. 29.*

Proprietor and inland officer to affix a separate lock upon each warehouse, and the officers to attend at all reasonable times to admit the proprietors to view, sort, or remove their goods. 10 *Ann. c. 26. f. 37.* 10 *Geo. I. c. 10. f. 30.*

Not less than a hundred weight of each sort to be delivered out of a warehouse at any time; unless brought in, or sold in less quantities. 10 *Geo. I. c. 10. f. 34.*

Coffee, and tea—To be warehoused at importation, and may be exported upon security.

Seized within the limits of the city of London, or Edinburgh, and condemned, are to be there publicly sold. 12 *Geo. I. c. 28. f. 1.*

Seized in any other ports; after condemnation, are to be brought to, and publicly sold in London or Edinburgh. 12 *Geo. I. c. 28. f. 1.*

The feizer to be allowed one-third part of the full sum sold for, free from all charges of condemnation and sale. 12 *Geo. I. c. 28. f. 2.*

Coffee-berries.—Roasting-houses, with proper attendance, to be provided by the commissioners of the inland duties; to which the berries are to be carried, with a certificate of the payment of duty: for the roasting whereof, to pay eight shillings *per* hundred weight. 10 *Geo. I. c. 10. f. 31.*

But if the proprietors send a roaster, then to pay only three shillings *per* hundred weight. 10 *Geo. I. c. 10. f. 32.*

Roasted for sale elsewhere than in such houses, forfeited, with five shillings for every pound weight. 10 *Geo. I. c. 10. f. 33.*

Officers not attending the roasting, forfeit for the first offence ten pounds, and for the second twenty pounds, and rendered incapable. 10 *Geo. I. c. 10. f. 34.*

Coffee-roasted.—Butter, lard, grease, water, or other materials mixed therewith, to increase the weight, the penalty one hundred pounds. 5 *Geo. I. c. 11. f. 23.* 11 *Geo. I. c. 30. f. 9.*

Coffee, tea, brandy, rum, or other foreign exciseable liquors, seized after the 24th of June, 1726, the respective commissioners may cause the same to be proceeded against, according to the several laws now in force. 12 *Geo. I. c. 28. f. 1.*

Officers of the customs, or others, are not intitled to the benefit of the seizures, unless notice be given to the next officer of excise, within twenty-four hours after seizure, who must take an account of the species and quantities. 12 *Geo. I. c. 28. f. 6.*

Such goods not to be removed without a permit signed by the officer of excise or inland duties, upon penalty of seizure by any other officer. 12 *Geo. I. c. 28. f. 6.*

Officers of the customs, excise, or inland duties, are not to deal or trade therein, upon forfeiture of office, and fifty pounds, and rendered incapable. 12 *Geo. I. cap. 28. sect. 7.*

No *coffee* may be put on board any vessel in his majesty's plantations in America, till the planter, or his known agent, has made oath in writing, before two justices of the peace near the place where it grew, that it is actually of the growth and produce of such planter's or grower's plantation, lying in the district, division, or parish of within the island or colony of ; which oath must be produced to the collector, comptroller, or naval-officer, by the person who enters the *coffee*, before the shipping thereof for Great-Britain; who is also to make oath before the said officers, that it is the very same *coffee* mentioned in the planter's oath. A certificate of which must be delivered by the said officers to the commanders of the vessels on which the *coffee* is to be shipped, who is likewise, before clearing his vessel, to make oath, that he has

received such, and no other *coffee* on board, and that he will take no other on board before his arrival in Great-Britain, and make a report of his lading there. For which affidavit and certificate, the officers are to receive as a fee five shillings. 5 *Geo. II. c. 24. f. 3.*

All certificates of such affidavits must be produced by the commander of the vessel to the collector and comptroller of the port where the ship unloads, at the time of making his report, together with a certificate from the collector, and comptroller of the customs and naval officer of the place where the *coffee* is shipped, or two of them, of the quantity, the packages, and the marks, numbers, and weights of each package; and he is also to make oath, that the *coffee* was taken on board, as expressed in the certificates; and that, after his departure, he did not take or suffer to be taken on board any *coffee*, either at sea or elsewhere, and that all on board his ship is mentioned in the said certificates. 5 *Geo. II. c. 24. f. 3.*

Upon entering the *coffee*, and paying or securing the duties, a mark is to be set on each parcel, denoting it to contain *coffee* of the British plantations, and where, and by what ship imported.

Thereupon it is to be lodged in a warehouse, as directed by 10 *Geo. I. c. 10.*

The person who enters the *coffee*, with the collector of the inland duties, must deliver to him a certificate of the affidavit of the growth of the *coffee* in the British plantations, made before the officers there, with the commander's oath at the port where it was shipped, and the planter's oath, or a copy thereof, together with the certificate of the package, marks, and numbers of the *coffee*, to remain with him: 5 *Geo. II. c. 24. f. 3.*

Any person convicted of falsely making any other oath as above directed, is to forfeit two hundred pounds, and suffer twelve months imprisonment.

Any person convicted of forging a certificate of such oath, or knowingly publishing such certificate, forfeits two hundred pounds. 5 *Geo. II. c. 24. f. 5.*

No commander of a vessel may take in at any of his majesty's plantations, or other place in America, or at sea, or land in any of the said plantations, *coffee* of the growth of any foreign country (except what is regularly exported from Great-Britain) or suffer the same to be done; on pain of forfeiture of such *coffee*, and two hundred pounds, and also suffering twelve months imprisonment. 5 *Geo. II. c. 24. f. 4.*

By 32 *Geo. III.* From and after the fifth day of April, 1759, an additional inland duty is to be paid of one shilling *per* pound on *coffee*, and nine-pence *per* pound on chocolate. *Coffee*, lodged in warehouses on the sixth of April, 1759, is to be charged with the new additional duty; as also the stock in hand of *coffee* and chocolate, except for private use; ninety pounds of roasted *coffee* is to be charged after the rate of a hundred and twelve pounds of raw *coffee*. The stock in hand of chocolate, except for private use, is to be brought to the proper offices, in order to be stamped, and the penalty of counterfeiting or forging the same, or being guilty of any fraud therein, five hundred pounds, and one year's imprisonment; and the penalty of secreting or concealing the stock in hand of *coffee* or chocolate, or not sending chocolate to be new-stamped, or vending any without being duly stamped, twenty shillings *per* pound, and forfeiture of the chocolate, and none to be sold in less quantities than a quarter of a pound.

COFFEE-HOUSE-MAN. As the coffee-house is a place in which gentlemen meet to drink coffee, tea, or chocolate, to converse with each other, and to read the news, it requires waiters who are courteous, active, and obliging. The youths taken for this purpose are seldom bound apprentice; and when they are, they do not give more than ten pounds to this business. The waiters at these houses have sometimes wages, and sometimes none, their perquisites in many places being very considerable, and more than sufficient to find them in cloaths.

COFFILA, a weight of Mocha. See **BAHAR**.

COFFIN-MAKER. The making of coffins is a distinct business by itself; but the matters are also undertakers of funerals. This business requires no other abilities but those of strength and activity; though the undertaker ought also to add an obliging behaviour, and a grave deport-

deportment. As the making the wood-work of coffins may be considered as a branch of the carpenter's business, the journeymen have nearly the same wages as the carpenters. The masters take about ten pounds with an apprentice, and, as they are obliged to keep coffins of all sizes constantly by them, it will require about one hundred pounds to set up.

COHI, a large dry measure, used in the kingdom of Siam for corn, &c. It contains forty *sestes*, and the *seste* forty *fats*; so that reckoning the *fat* at a trifle more than three pounds *marc*, and the *seste* one hundred *catis*, or one hundred and twenty-five pounds that weight, the *cobi* must weigh exactly five thousand pounds.

COIANG, both a weight and measure of Cambaye in the East-Indies, of which five make a *laft*.

COIN, a species of money, made of metal, as gold, silver, or copper. Hence *coin* differs from money, as the species does from the genus; money being any matter, whether metal, wood, leather, glass, horn, fruits, shells, &c.

In England, the *copper coins* are a farthing and half-penny, the latter being two of the former.

In fine silver of the standard of 11 oz. 2 dwt. called *sterling*, the smallest piece is one-penny, others of two-pence, three-pence, four-pence, (called also a *groat*) and six-pence, a shilling or twelve-pence, a half-crown or two shillings and six-pence, and a crown or five shillings.

In fine gold of twenty-two carats, called also *sterling*, a *guinea* (now worth twenty-one shillings) half a *guinea*, some few two and five *guinea* pieces, and lately quarter ones.

Accounts are kept in pounds, shillings, and pence, (the first and last imaginary) and exchanges are calculated in one of them two.

In France, the gold species are *Louis*, with its diminutions of half and quarter, and its augmentations of double and quadruple.

Of silver the crown, or *ecu*, with its fractions, which at present passes for three *livres*, though it has been up to more than seven *livres*.

Of silver and brass mixed, the *fol*. And

Of copper the *liard*, which is one-fourth of a *fol*, or three *deniers*. A double, two *deniers*. And a *denier*, or one-twelfth of a *fol*. But the value of these coins have been so often changed, since May, 1718, that it is impossible to ascertain their present value, without recourse to the different ordinances concerning them, which are very long, and would render their quotation more tedious than profitable to our readers, which may justly apologize for our omission of them.

Accounts are kept throughout this kingdom in *livres*, *fol*s, and *deniers*, of which twelve *deniers* make a *fol*, and twenty *fol*s a *livre*; their exchange is by the crown of three *livres*, or sixty *fol*s.

In Holland, the gold coins are

Ducatoons	} worth	{	15 guilders, and 15 stivers
Ducats			5
Souverains			15
Rose-nobles			11, tho' of these very few are seen.

Silver coins.

Ducatoons	} worth	{	3 guilders and 3 stivers
Drie guilders			3
Rix-dollar, or patacon			2 10
Croons			2. Of this few to be met
Dollars			1 10 (with
Goudguil. or golden guil.			1 8
Guilders.			1

Here are also half and quarter *rix-dollars*; *schillings*, (of which some are worth six, and others only five *stivers* and a half); here are also *stivers* (of which twenty make a *guilder*) divided into two *deniers de gros*, or eight *duytes*, or sixteen *penins*, though these two last denominations are imaginary.

Here are besides, several other coins, particularly some small ones, of two, three, four, eight, and twelve *stivers* and a half.

Accounts are kept at Amsterdam and Rotterdam, the two chief trading places in *guilders*, *stivers*, and *penins*,

so that although goods are sold for other species, such as *livres de gros*, &c. yet all are reduced to the above denominations, for the entries into their books. The exchanges are made with us in so many *schillings* to a pound *sterling*, though to most other places in *deniers de gros*.

Foreign *coins* are very many, both of gold and silver, but are not current here at any fixed price, but (as other commodities) rise and fall, according to their plenty or scarceness.

In Russia, three *coppecks* is an *altin*, ten *coppecks* one *grieve*, twenty-five *coppecks* is a *polpoltin*, fifty *coppecks* is a *poltin*, sixty-four *coppecks* is a *dollar*, and one hundred *coppecks* or nineteen *grives* is a *rouble*; an English crown passes there by weight, for a hundred and twenty to a hundred and thirty *coppecks*.

Accounts are kept in the trading places of this empire, in *roubles*, *grives*, and *moscosques*, (two of which make a *coppeck*) or in *roubles* and *coppecks*. Their exchange is only on Holland, and negotiated in either *roubles* or *coppecks*.

In Norway, a *rix-dollar* is six Danish marks, a mark sixteen *schillings*, at *Cooperwyk*, *Laarwyk*, *Mardou*, *Vlekeren*, *Jedder*, *Stafanger*, *Romslal*, and *Dronheim*, the *rix-dollar* is worth four *oorts*, and the *oort* twenty-four Danish *schillings*.

In Denmark, the *rix-dollar* is worth four *oorts*, or six Danish marks, the *oort* twenty-four *schillings*, or one mark and a half, the mark sixteen *schillings*, and the *schilling* three *penins*; two Danish marks make one mark *lubs*, and at Bergen accounts are kept in Danish *rix-dollars*, marks and *schillings*. But little is done in exchanges from this kingdom, and the few that are transacted from Copenhagen, are in Danish *rix-dollars* of six marks for current *rix-dollars* of Amsterdam.

In Stockholm and the rest of Sweden, the *dollar* is worth four marks, and the mark eight *oorts* or *runsticks* (which is an imaginary specie); two marks make a mark *lubs*, and here are copper *rix-dollars* of six *dollars* or twenty-four marks; here is also silver money, called *silvergelt*, or *silvermunt*, and one mark silver money is reckoned worth two and a half copper. The silver *dollar* is divided into three marks, and the mark into three *oorts*, though they have no such *coin* as a *runstick*, or *rontstucken*, yet they reckon two of their copper farthings to a *runstick*, three *runsticks* to a *whitton*, ten *whittons* and two-thirds to a copper *dollar*.

Accounts are kept in this kingdom in *dollars*, marks, and *oorts*, and the exchange is made between a copper *rix-dollar* of twenty-four marks of Stockholm, and a current *rix-dollar* of fifty *stivers* of Amsterdam.

At Cracow in Poland, their common *coins* are, *gros*, of which eighteen make one *oort*, and thirty, one *guilder*; a specie *dollar* is forty *gros*, and worth about two *shillings sterling*. A *rix-dollar* is five *oorts*, or ninety *gros*, a gold *ducat* is six *guilders*. A *cross*, and a specie *dollar*, pass at an uncertain value from three to four *guilders*, as there is a premium upon them that sometimes amounts to ten and fifteen *per cent*. Accounts are kept here in *guilders*, *gros*, and *deniers*, (of which latter eighteen make a *gros*, and thirty *gros* a *guilder*) or in *rix-dollars* and *gros*, reckoning ninety of the latter to the former.

At Riga the *rix-dollar* is ninety *gros*, and divided also into fifteen Riga marks, and into three Polish *guilders*; the Polish *guilder* must therefore consequently make five Riga marks, and is also divided into thirty Polish *gros*, a *gros* is three *whittons*, or six black ditto. A *vording* is one *gros* and a half, or four *whittons* and a half, or nine black ditto.

Accounts are here kept in *rix-dollars* and *gros*, and it is into the former of these species that exchanges are made with *rix-dollars* current of Amsterdam.

At Revel and Narva, the *rix-dollars* consist of sixty-four *whittons* or ninety *gros*: accounts are kept in these two places in *rix-dollars* and *whittons*, where they have likewise copper-plate *dollars*, which they use in exchange.

At Coningberg, Elbing, and Dantzick, the *rix-dollar* is divided into ninety Polish *gros*, or into three Polish *guilders*, and the *gros* into eighteen *penins* or *deniers*.

At these places accounts are kept in *rix-dollars* and *gros*, or in Polish *guilders*, (called also *timphen*) *gros* and *deniers* at *penins*. They exchange on Amsterdam in Polish *gros*,

gros, for a livre de gros of six guilders current money of Amsterd., and on Hamburg for the rix-dollar.

At Stetin, thirty-six stivers, or schillings lubs, makes a rix-dollar; and accounts are kept here in those species, and remittances made in them.

At Lubeck, the rix-dollar is worth three marks lubs, or forty-eight schillings lubs; the mark being divided into sixteen schillings, and the schilling into twelve penins or deniers. Accounts are kept here in marks, schillings, and deniers or penins lubs, in which their exchanges are made.

At Breslau, the rix-dollar is worth thirty silver gros, and the gros twelve feins. It is also divided into ninety creutzers, and the creutzer into four fenins, and the said rix-dollars are called imperial money, augmented by seventeen creutzers.

Accounts are kept at this place in rix-dollars, and silver gros, and penins; in the first of which species, exchanges are made on Amsterdam for a certain number of stivers, bank-money, and on Hamburg for rix-dollars of Breslau, against rix-dollars of Hamburg bank.

At Hamburg, the mark, or mark lubs, is divided into sixteen stivers lubs, and the stivers into twelve deniers lubs. The rix-dollar is forty-eight stivers lubs, or three mark lubs; besides which, many foreign species are current at this place, superfluous to be mentioned here, as they will be taken notice of where they are coined.

Here accounts are kept in marks, schillings, and deniers lubs, bank-money, by those who have cash in the bank; but by those who have not, their books are generally kept in rix-dollars, schillings, and deniers current money. This is a great place of exchanges, in which it negotiates with most parts of Europe. We shall therefore be a little particular in their currency.

Hamburg gives to

London, from thirty-two to thirty-eight schillings Flemish per pound sterling.

Holland, sutch-dollar for thirty to thirty-five stivers, and often rix-dollars, for rix-dollars with a premium.

Berlin, rix-dollars for rix-dollars, with a benefit of so much per cent.

Leipsick and Dantzick, ditto.

Flanders, mark lubs, for Flanders stivers.

Sweden, the rix dollar, for copper marks, and sometimes at a premium of so much per cent.

Muscovy, the rix dollar for an uncertain number of copecks.

Frankfort, the sutch-dollar, against some creutzers of exchange, or rix-dollar for rix-dollar at so much per cent.

Nuremberg, the merchant's dollar, for current creutzers, and rix-dollar for rix-dollar, with a premium.

France, a number of schillings lubs, for the French crown of three livres.

Spain, ditto, for the ducat of three hundred and seventy-five maravedies.

Portugal, a number of deniers for the crusade of four hundred reas.

Geneva, the same as with Paris and Lyons; and it is a custom to draw bills upon Lubeck payable in Hamburg; the term lubs being derived from the former of these places, (once the capital of the Hanse-towns) as it is here that the schillings lubs are coined.

Venice, a number of groats, for a ducat of twenty-four soldi banco.

At Bremen, the current coins are a rix-dollar, divided into one double and a half, or three single Bremen marks, or twenty-four double schillings, or six head-pieces, or seventy-two gros, or three hundred and sixty swaar. A double mark is forty-eight gros, four head-pieces or two hundred and forty swaar. A double schilling is three gros or fifteen swaar. A gros is five swaar, and a swaar is a penin.

At this place accounts are kept in rix-dollars and gros, and it exchanges on Amsterdam rix-dollars of seventy-two gros, for rix-dollars of fifty stivers banco.

At Leipsick and Naumbourg, a rix-dollar is twenty-four gros, and the gros twelve fenins. Said dollar is likewise one rix-gould or rix-guilder, and this piece is worth sixteen gros. A ducat is four guilders, or two rix-dollars and two-thirds; besides which, they have eight, four, two,

one and a half, and one and a quarter gros pieces, and some still smaller, of nine, eight, six, four, and three fenins.

These two places keep their accounts in rix-dollars, and crowns, gros, and fenins, and their exchange-money is worth ten to twenty per cent. more than the current. If bills are made payable here in current money, they are discharged three-fourths of their amount in pieces of four gros, and the other one-fourth in gros pieces; but if they are drawn to be paid in exchange-money, they must be satisfied in rix-dollars, often termed crowns of exchange.

At Brunswick and Osnabrug, the rix-dollar is divided into thirty-six mariengros, and the mariengros into eight penins, in which species their exchanges are also negotiated.

At Berlin, the rix-dollar is worth three guilders or ninety gros (about four shillings and six-pence sterling;) a guilder twenty Brummers or thirty gros, eighteen gros an oort, and five oorts the rix-dollar. A brummer or abraze is one gros and a half, one gros is two polchen or eighteen penins, and one schilling is six penins or deniers.

In this city and the kingdom accounts are kept in guilders, gros, and penins, and the exchanges made in rix-dollars, for Amsterdam, Hamburg, Augsb., Nuremberg, Breslau, Switzerland, and London, when any thing is done direct here, though this is very seldom, as transactions of this nature commonly pass through Amsterdam and Hamburg.

At Zurich, the rix-dollar, or ducat, is worth twenty-eight batz and two schillings of this money, which are worth more than the Switz batz, and less than those called good batz; the guilder of Zurich, called the good guilder, is sixteen batz, or forty schillings of this place. The batz is worth two Zurich schillings and a half; the schilling six anfers, or one creutzer and one-third, of which latter four make the batz.

At this place accounts are kept in rix-dollars, creutzers, and hellers; their exchange is commonly made in Zurich money; reckoning their rix-dollars (worth about four shillings and six-pence sterling) at one hundred and eight of their creutzers.

At Zurzach, most of the Switz coins are current; and,

At Schafhouse, the rix-dollar is worth twenty-seven good batz, the guilder of Zurich is worth here fifteen ditto. The good batz makes ten baps, or four creutzers.

At Berne, the rix-dollar is worth thirty common Switz batz. The good guilder of Zurich is worth sixteen batz, and two schillings Switz; and the batz is worth four creutzers, or two schillings and a half.

At St. Gal, the rix-dollar is worth twenty-five batz and a half, or a hundred and two creutzers. The guilder is fifteen batz, or sixty creutzers. The schilling is six creutzers, or one batz and a half. The good batz is five creutzers. The common batz four creutzers. The creutzer four hellers or penins.

In this canton, accounts are kept in guilders, creutzers, and penins, St. Gal money, or under the same denominations, in the coins of the empire. It gives in exchange to Vienna, Nuremberg, Augsb., and Bolzana, a number of its guilders, for others of said places; the same to Venice for ducats banco; ditto to Geneva for crowns of that place; and the like to Lyons for the French crown.

At Basil, the rix-dollar consists of twenty-seven good batz, the good guilder fifteen good batz, or sixty creutzers. The good batz is ten raps, or four creutzers. The guilder of the empire is here worth twenty-five schillings or plapperts, or twenty gros; the gros seven raps and a half; and the plappert six raps.

Accounts are variously kept in this canton; some in rix-dollars, schillings, and deniers; some in livres, schillings, and deniers; some in rix dollars, creutzers, and penins; and some in guilders, creutzers, and penins; they exchange as Zurich does, and their rix-dollar is worth about four shillings and six-pence sterling.

At Strasburgh, the rix-dollar is valued at one guilder and a half, or fifteen schillings, ninety creutzers, three livres or sixty sols. A guilder is ten schillings, or sixty creutzers, or two livres, or forty sols. A livre is twenty sols, five schillings, or thirty creutzers. A schilling is six creutzers, or four sols. Exchange from hence is transacted with most places in the silver of Alface, which

is the same with the silver of France; the rix-dollar being here reckoned at three livres Tournois, the agio being commonly from one to two *per cent*.

At Geneva, the gold *coins* are pistoles, worth forty florins three fols, or eleven livres ten fols Tournois. Ducats worth twenty-two florins, or six livres six fols, or something better, though few of these *coins* are now met with. The silver monies are crowns, worth ten florins six fols, or three livres. Picces worth one florin, nine or ten fols Tournois. Pieces of ten fols six deniers, or five fols Tournois. The copper are pieces of six fols, three fols, one fol, and six deniers, nine deniers, and six deniers of Geneva; besides which, there are silver pieces of two florins and one florin, though of these there remain but few. The Geneva florin is worth five *per cent*. less than six fols Tournois. The exchanges are in crowns of three livres Tournois (called also by some rix-dollars) and almost all the foreign *coins* of Europe are current there.

At Cologne, the rix-dollar (computed at four shillings and six-pence sterling) is divided into seventy-eight albus; the albus into twelve deniers, or two creutzers, and the creutzer into four hellers. The dollar is worth here fifty-two albus. The guilder twenty-four albus. The blaßart four albus; and accounts are kept in rix-dollars, albus, and penins; and their exchanges with Amsterdam are for rix-dollars of seventy-eight albus, for rixdollars current money there, at a fluctuating premium.

At Frankfort fur le Mein and Hanau, the rix-dollar is ninety creutzers, and the creutzer four hellers; but as the current and exchange money is so very different, and not readily to be calculated, we herewith add a computation, made by Monf. John Peter Ricard, in hopes it may (at least to some) be both agreeable and useful.

100 Guilders of 65 creutzers, exchange money, make
108 Guilders, 20 creutzers, of 60 creutzers, exchange money.

87 Rix-dollars, 62 creutzers, of 74 creutzers, ditto.
88 Rix-dollars, 6 creutzers $3\frac{1}{4}$ d. of 90 creutzers, current money.

132 Guilders, 6 creutzers $3\frac{1}{4}$ d. of 60 creutzers, current money.

100 Guilders of 60 creutzers, exchange money, make
92 Guilders, 20 creutzers, of 65 creutzers, exchange money.

81 Rix-dollars, 6 creutzers, of 75 creutzers, ditto.
81 Rix-dollars, 27 creutzers $1\frac{1}{4}$ d. of 90 creutzers, current money.

121 Guilders, 57 creutzers $1\frac{1}{4}$ d. of 60 creutzers, ditto.

100 Guilders of 60 creutzers, current money, make
75 Guilders, 45 creutzers, of 65 creutzers, exchange money.

82 Guilders of 60 creutzers, ditto.
66 Rix-dollars, 36 creutzers, of 74 creutzers, ditto.
66 Rix-dollars, 60 creutzers of 90 creutzers, current money.

100 Rix-dollars of 74 creutzers, exchange money, make
113 Guilders, 55 creutzers, of 65 creutzers, exchange money.

123 Guilders, 20 creutzers, of 60 creutzers, ditto.

100 Rixdollars, 24 creutzers $1\frac{1}{4}$ d. of 90 creutzers, current money.

150 Guilders, 24 creutzers $1\frac{1}{4}$ d. of 60 creutzers, ditto.

100 Rix-dollars of 90 creutzers, current money, make
113 Guilders, 35 creutzers, of 65 creutzers, exchange money.

123 Guilders of 60 creutzers, ditto.
99 Rix-dollars, 54 creutzers, 74 creutzers, ditto.
150 Guilders of 60 creutzers, current money.

N. B. One guilder of sixty creutzers, is reckoned worth about three shillings sterling.

At this place accounts are kept in rix-dollars and creutzers, and the difference of the exchange money from the current, is shown in the preceding calculation.

At Vienna, many foreign *coins* have a currency; but their own is the imperial ducat of four guilders, the rix-

dollar in specie of two guilders. The imaginary rix-dollar of one guilder and a half, or ninety creutzers; the imaginary guilder of sixty creutzers. The schilling of seven creutzers and two deniers. A gros is three creutzers, two deniers. A patre, is four creutzers. A penin and denier is the same, and three deniers are a dreyer. Accounts are kept here in guilders, creutzers, and penins, reckoning eight penins to a creutzer. This place exchanges with London a rix-dollar for an uncertain number of pence (commonly between four and five shillings). With Holland the same for an uncertain number of stivers. With Nuremberg and Augsborg, rix-dollars for rix dollars, with an uncertain premium. With Venice, an uncertain number of rix-dollars for a hundred ducats banco. And with St. Gal, a hundred guilders of sixty creutzers for an uncertain number of those guilders.

At Emden, the money most in use are rix-dollars, valued at 2 guilders, fourteen stivers; and their exchange is almost confined to Amsterdam, between rix-dollars and rix-dollars, and sometimes guilders against guilders, both with a premium of so much *per cent*.

Bolzano is a place considerable in exchanges with several parts of France, Italy, Switzerland, and Germany. The species most current here, are the German rix-dollars and dollars, the former worth ninety and ninety-one creutzers; the guilder of sixty creutzers is likewise in use here. It exchanges with Lyons an uncertain number of creutzers for a French crown. With Rome, the same for a crown. With Florence, ditto for that crown of seven livres and a half. With Bergam, the rix-dollar of ninety-three creutzers for an uncertain number of soldi. With Venice, the same for a number of soldi banco. With Ancona, the guilder of sixty creutzers for an uncertain number of bajoches. With Bologne, ditto for a number of soldi. With St. Gal, a hundred guilders for an uncertain number of dittos that money. With Frankfort, an uncertain number of rix-dollars of ninety creutzers, for a hundred rix-dollars of that place; and with Augsborg and Nuremberg the same.

At Nuremberg and Augsborg, the guilder is fifteen batz, twenty imperial gros, or sixty creutzers; the creutzers four hellers, and the rix-dollar is one guilder and a half, or ninety creutzers, (near four shillings and six-pence sterl.) twenty-two batz and a half, or thirty imperial gros; a thick dollar is one guilder and two-thirds, or twenty-five batz, or a hundred creutzers; a gros is three creutzers or twelve deniers, and a batz is four creutzers, or sixteen deniers.

Accounts are kept here in guilders, creutzers, and hellers; and the exchanges on Amsterdam and Leipfick, are in rix-dollars for rix-dollars, with a premium. On Venice in guilders for ducats de banco; and on Vienna, Prague, and Breslau, in their guilders, for other imperial money.

At Liege, a livre is twenty schillings, and the schilling sixteen fenins. The crown, or rix-dollar of this place, is worth four livres, which are reckoned on a par with the rix-dollars of fifty stivers current money of Amsterdam.

Here accounts are kept in livres, fols, and deniers; and exchanges made in livres for guilders of current money in Amsterdam.

At Antwerp, Brussels, Malines, Ghent, and Bruges, the livre de gros is twenty schillings de gros, and the schilling twelve deniers de gros; called here, at Amsterdam, and in all Brabant and Flanders, pounds, schillings, and groots Flemish; and at Antwerp, as well as in Brabant and Flanders, are two sorts of money, or rather one sort with two different values, for the same species are variously reckoned in their currency, or by exchange. For exchange, the patagon, or rix-dollar, is here reckoned for eight schillings, or forty-eight stivers in exchange money, though for fifty-six stivers current money; and the schilling de gros, which is six stivers in exchange, passes for seven stivers in the currency; so that there goes a hundred and sixteen guilders and two-thirds, or livres de gros currency, to a hundred ditto in exchange; a hundred livres de gros, bank money at Amsterdam, is commonly worth two to four *per cent*. more than a hundred livres de gros exchange money at Antwerp.

In Spain, the gold *coins* are the same all over the kingdom, viz. the four, two, and single pistole pieces, as also the half-pistole. The silver *coins* are the West-India dollars (with

(with its fractions of half, quarter, or two rials, one rial, and half a rial of plate) now worth ten rials and five-eighths of plate, whereas some years ago its value was no more than eight of the said rials, and the pistole then worth but thirty-two rials that is now current at forty rials; these dollars all come milled from Mexico; but from Peru they still come unmilled as formerly, being the same in value as the others, with this only difference, that of these no less than dollars and half-dollars are current, the lesser fractions having been cried down above twenty years ago. When the late emperor was in possession of Spain, he coined a pretty large quantity of peatareens (or quarter-dollars) which being of a base alloy, king Philip V. lowered their value twenty *per cent.* on his coming to the crown; so that instead of four, five of them went to the dollar; and the said king coined many dollars, with their fractions, during his reign. Their copper money is very various, and almost provincial; that at Cadiz and Castile are double and single quartos and ochavos, of which two ochavos make a quarto, and two single quartos make a double one; seventeen quartos make two rials vellon, which is now an imaginary coin, though formerly it was the principal one in the kingdom. A maravade is also another imaginary specie, of which seventeen are reckoned to a rial vellon. The ducat is also a fictitious coin of eleven rials of plate in purchases, sales, and all other mercantile transactions, except in exchanges, when it is valued at eleven rials of plate and one maravade, or three hundred and seventy-five maravades. In the kingdom of Valencia, the copper coin is peculiar to it, being called dineros, of which thirty make a rial of plate, and twenty-four rials current (being an imaginary coin) of which ten were reckoned of equal value with eight rials of plate, and two to be the same as three rials of vellon; here are also some few pieces of three and six dineros, much about the size of our half-pence and farthings, and as the currency of this coin is very considerable (though confined to the kingdom of Valencia only) they are made up into papers of two and three dollars each, and so received and paid unopened, very often to the value of several thousand dollars; but, in case of any suspicion, they are weighed. At Barcelona, their copper money is again different, and fourteen rials ardites are there reckoned to the dollar; so that we cannot help taking notice of the errors all authors, that we have seen, run into, by making the coins and the entries in accounts the same all over Spain; and where any one has varied under a pretended correction of his predecessors, he has done it, in so erroneous a manner, as to leave the account worse than he found it. At Cadiz, accounts are kept in rials of plate, and its fractions; in Castile, in maravades; in Valencia, in livres or dollars, sueldos or dineros, (of which latter twelve make a sueldo, an imaginary specie) and twenty sueldos, a livre or dollar. In Catalonia, in the species above-mentioned of ardites; and so in several other parts of the kingdom, which we thought proper to mention, as necessary to rectify the mistakes made in this matter.

This kingdom exchanges with London, a dollar or piece of eight, for an uncertain number of pence. With Brabant, Flanders, Holland, Zealand, and Hamburg, its ducat of three hundred and fifty-seven maravades, for a number of groots; with France for so many maravades against the French crown, or the pistole for so many livres, &c. with Portugal, the ducats for crusades, or a pistole for the number of reas; with Novi, an uncertain number of maravades for the crown mark; with Venice the same, for a ducat banco; with Florence, ditto for the ducat of seven livres and a half; with Leghorn, the same for the dollar; with Milan, the same for the ducat of a hundred and fifteen soldi; with Naples, the same for the ducat of ten carlins; and ditto with Palermo and Messina for the florin of six tarins.

In Portugal, the current coins are many, viz.

In gold.

The piece of 25 mil, 600 reas, worth in sterling money.	£ 7 4 0
The piece of 24 mil, or 5 moidores	6 15 0
The piece of 12 mil, 800 reas	3 12 0
The piece of 12 Mil reas, or 2½ moidores	3 7 6
The piece of 6 mil, 400 reas	1 16 0

The piece of 4 mil, 800 reas, or a moidore	£ 1 7 0
The piece of 3 mil, 200 reas	0 18 0
The piece of 2 mil, 400 reas, or the ½ moidore	0 13 6
The piece of 1 mil, 600 reas	0 9 0
The piece of 1 mil, 200 reas, or the ¼ moidore	0 6 9
The piece of 8 testoons, or 800 reas	0 4 6

The silver coins are,

The crown, or crusade-piece of 400 reas	0 2 3
The ⅓ of a moidore, being 480 reas	0 2 8½
The 12 vinten-piece, or 240 reas	0 1 4¼
The 5 vinten-piece, or 100 reas	0 0 6¾
The 2½ vinten-piece, or 50 reas	0 0 3½

In copper.

The vinten, or 20 reas	0 0 1⅓
The ⅓ vinten, or 10 reas	0 0 0⅝
The ⅕ vinten, or 5 reas	0 0 0⅓

Besides which, there are some few copper coins of less value, current in that kingdom.

Accounts are kept there in reas, making a separation at every hundred, thousand, &c. and it exchanges with London one thousand reas, or a mil-reas, for an uncertain number of pence; with Hamburg, Holland, and all the United Provinces, a crusado for some pence Flemish; with Spain, an uncertain number of reas, for the ducat or dollar; with France, the same for a French crown; with Florence, ditto for that crown of seven livres and a half; with Genoa, the same for a scudi; with Leghorn, the same for a dollar of six livres.

At Genoa and Novi, many species of foreign coins are current; but their own are the dollar, of five livres, the common dollar, or ducat of four livres; twelve denaris make one soldi; four soldis a chavaleit; and five chavaleits, or twenty foldi, a livre.

Accounts are kept in these cities in livres, soldi, and denari, or in dollars of a hundred soldis exchanging on London the dollar of five livres, for a certain number of pence; on Amsterdam and Antwerp, ditto for a number of groots; on Spain, the same for so many maravades; on Portugal, the same for reas; on Geneva, the same for a crown, with a premium; on Venice, the imaginary crown of ninety soldi, for an uncertain number of Venetian soldi; on Milan, ditto for a number of fols of the empire; on Rome, an uncertain number of soldi for that crown; on Paris, the dollar for an uncertain number of fols; on Leghorn, an uncertain number of soldi, for the dollar of six livres; on Naples, the same for the dollar of nine carlins.

At Milan, many sorts of money are current as at Genoa; but their own species are livres, soldis, and denari, to be counted like pounds, shillings, and pence, viz. twelve denaris make a soldi, &c. and accounts are kept here in those species. This is a considerable place of exchange; and gives to London a ducat for an uncertain number of pence; to Spain, ditto for a number of maravades; to Venice, the same for a number of soldi; to France, an uncertain number of soldi for a crown Tournois; to Florence, ditto for that crown of seven livres and a half; to Genoa, the same for the dollar of five livres; to Novi, the same for a crown-mark; to Rome, a hundred crowns for an uncertain number of stamp crowns. Besides which, it exchanges with many other places.

At Rome, the crown is worth ten julios, and the julio ten bajoches. The crown is also divided into twenty soldi d'or, and the soldi d'or into twelve denari.

Accounts are kept here in crowns, julios, and bajoches, or grains and quartrins; and it exchanges with London, a stamp crown for an uncertain number of pence; with Genoa, the same for some soldi; with Bergam and Bologne, ditto for ditto; with Ancona, a hundred ditto for a number of their crowns; with Spain, one ditto for an uncertain number of maravades; with Bolzano, the same for some creutzers; with France, an uncertain number for a hundred French crowns; with Venice, the same for a hundred ducats banco; with Leghorn, the same for a hundred dollars; with Novi, ditto for a hundred crowns; with Lucca, a hundred ditto for an uncertain number of those crowns for seven livres.

At Leghorn, the dollar is worth six livres, or twenty foldi, and the foldi twelve denari, and the ducat is worth seven livres.

At this place accounts are kept generally in dollars, foldi, and denari; and the exchanges are made on London by giving a dollar of six livres for an uncertain number of pence; on Holland, the same for a number of groots; on France, the same for a number of sols; on Portugal, the like for a number of reas; on Florence, the same for some foldi; on Genoa, ditto for ditto; on Venice, an uncertain number of dollars for a hundred ducats banco; on Naples, a hundred dollars for a number of ducats of five tarins; on Novi, ditto for the like number of crowns, with a premium; on Rome, ditto for an uncertain number of crowns; on Geneva, ditto for ditto; and besides, it exchanges with many other places, in the same manner as its capital Florence does.

At Florence, five quartrins make a craca or grain, eight grains a julio or paulo, twelve grains a livre, and seven livres and a half, or a hundred and fifty foldi, a crown.

They here keep their books and accounts in crowns, foldi, and denari; picoli, or current; and exchange the crown of seven livres and a half with London, for an uncertain number of pence; with Spain, the same for maravedies; with Portugal, ditto for reas; with Milan, ditto for foldi; with France, an uncertain number of ditto for a hundred crown Tournois; with Novi, ditto for a hundred crowns of that place; with Venice, ditto for a hundred ducats banco; with Naples, a hundred ditto for an uncertain number of ducats; with Leghorn, an uncertain number of foldis, for the dollar of six livres; with Lucca, a hundred crowns for an uncertain number of crowns of seven livres and a half; with Rome, ditto for an uncertain number of Roman crowns; with Amsterdam, Antwerp, and Genoa, the same as from Leghorn to those places.

At Lucca, the crown is worth seven livres ten foldi, and the foldi twelve denari, all d'or, and they keep their accounts therein.

At Naples, several *coins* are current; but their own is the ducat, which makes ten carlins; a tarin two carlins; a carlin ten grains; a grain three quartrini: a carlin worth about five-pence sterling.

Accounts are here kept in ducats, tarins, and grains; and exchanges made with Spain, by giving a ducat of ten carlins, for an uncertain number of maravedies; with Genoa, the dollar of nine carlins, for some foldi; with Palermo, the ducat of ten carlins, for a number of ponti; with Leghorn, Florence, Venice, Rome, and France, for a hundred dollars, crowns, ducats, stamp crowns, and crowns Tournois, a hundred Neapolitan ducats, with a premium.

In Sicily, the *coins* are very like the preceding; eight picchili make a ponti, six picchili a grain, ten grains a carlin, a tarin is two carlins, twelve is a florin, thirteen tarins a ducat, and twelve tarins a current crown, which is about five shillings sterling.

Accounts are kept in this island as at Naples; and it exchanges with Spain the florin for an uncertain number of maravedies; with Florence an uncertain number of carlins for the crown of seven livres and a half; with Novi, the same for the crown; and with Naples, an uncertain number of ponti for the ducat of five tarins.

At Venice, both the current and bank ducat make twenty-four foldi, or six Livres and four foldi. The Venetian pistole twenty-nine livres; the chequin seventeen livres; the testoon two livres fourteen foldi; half ditto, or a julio, eighteen foldi; a foldi twelve denari; a livre picoli is twenty foldi and about nine-pence sterling. Accounts are kept here in livres, foldi, and denari, picoli or current; but the bank entries are in livres, foldi, and grosses. It deals very considerably in exchanges, and gives to London a ducat of twenty-four grains banco, for an uncertain number of pence sterling; to France, an uncertain number of ducats, for a hundred crowns Tournois; to Spain, one ducat for a number of maravedies; to Holland, Brabant, and Hamburg, a ducat for a number of groots; to Novi, an uncertain number of ducats for a hundred crowns; to Naples, a hundred ditto for an uncertain number of ducats of ten carlins; to Leghorn, a hundred ditto for a number of dollars of six livres; to Lucca, a hundred ditto for an uncertain number of crowns of seven

livres and a half; to Rome, the same for an uncertain number of crowns; to Genoa, an uncertain number of foldi banco for the crown of four livres; to Milan, the same for a crown of five livres fifteen foldi; to Frankfort, Nuremberg, and St. Gal, a hundred ducats for an uncertain number of guilders of sixty creutzers.

At Bologna, accounts are kept in livres, foldi, and denari, the livre being twenty foldi, and the foldi twelve denari. The money is a crown, worth four livres five foldi, or eighty-five boulonins. Here is likewise a testoon, valued at one livre ten foldi; a julio at twenty quartrins, and the foldi bayock, or boulonin, at six quartrins. Many *coins* of the empire, France, and Spain, pass current here; and it exchanges with France an uncertain number of foldi for one crown Tournois; with Naples, the same for the ducat of ten carlins; with Venice, the crown or dollar of eighty-five foldi, for an uncertain number of foldi; with Rome, an uncertain number of foldi, for the crown of ten julios; with Lucca, the same for the crown of seven livres and a half; with Florence ditto for the ducat of seven livres.

At Bergam, many foreign *coins* are current, and their accounts kept in livres, foldi, and denari, of which twenty foldi make a livre, and twelve denari one foldi. The ducat, or crown of exchange, is reckoned at seven livres, and of these it gives to Novi an uncertain number for a hundred crowns that money; to Milan, the same for the ducat of five livres and fifteen foldi; to Lyons, ditto for a crown Tournois; to Rome, ditto for a stamp crown; and to Venice a crown for an uncertain number of foldi.

At Parma, accounts are kept in crowns of twenty foldi, and one foldi is twenty denari. The merchants crown is reckoned four livres, with an unsettled premium.

At Modena, accounts are kept in livres, foldi, and denari; they have also a ducat of five livres, with many other foreign *coins* current here.

Mantua has the same species and the same way of reckoning as the last mentioned place.

And at Ferrara and Ancona accounts are kept, and the species the same as at Rome.

In the island of Sardinia, accounts are kept as in most parts of Italy, in livres, foldi, and denari; the dollar or piece eight-eighths is worth nine rials and one-fifth, and the rial fifteen foldi, Sardinia money, and the livre twenty foldi; so that the dollar is valued in six livres, eighteen foldi, or a hundred and thirty-eight foldi, that island's currency.

At Placentia, accounts are kept in crowns, foldi, and denari of mark, of which twelve denari make a foldi, and twenty foldi the crown. This place always gives in exchange an entire sum, viz. a whole crown, or a hundred crowns, &c.

In the island of Malta accounts are kept, and money is the same with that of Sicily, being silver, copper, or brass, of which the latter are the current species; and in negotiations of purchases or sales, it is always stipulated whether payment shall be made in silver or brass money, the former being esteemed fifty *per cent.* better than the other. Six picchili make a grain, ten grains a carlin, two carlins a tarin, and a deci-tarin ten tarins; besides which, many foreign *coins* are current on the island.

In Savoy and Piedmont, the species are madonines, or pistoles of Savoy, worth thirteen livres; ducatoons worth seven florins, or eighty-four foldi; the Savoy crown, worth three livres, twelve foldi; the livre worth twenty foldi, and the foldi worth four quartrins or liards. Accounts are kept here in livres, or lires, foldi, and quartrins; and their exchanges are in ducatoons.

In the island of Candia, the same *coins* are in use, and the same method of accounts practised as at Venice. In their measuring two pico's are used, the one for silk, and the other for woollens; a hundred of the former making about sixty-one yards and a half English, and a hundred of the other four yards more. The weights of this isle are also two; the futtle and great weight; a hundred pounds of which latter very nearly correspond with a hundred and eighteen pounds avoirdupois, and the hundred futtle making about seventy-six ditto.

In the Morea, accounts are kept as in Venice, or Turkey, according to which of these powers the place is subject, though they generally reckon in their dealings by the dollar

of eighty aspers. In computing their weights, they reckon eleven drachms and one-ninth to an ounce, twelve ounces to the pound, three pounds to the ocque, a hundred and thirty-two pounds to a quintal (of about a hundred and seventeen pounds and a half English) though in weighing raw silk, they count fifteen ounces to the pound. Oil is sold here by a measure, called the levor, weighing about seven pounds and a half, of which ten make near fifteen English gallons, or a hundred and twelve pounds and a half.

Corn is sold here by the bochel, of which nine and two-thirds make eight bushels Winchester measure; and their wine is sold by the lodér, containing about eight gallons English; which weights and measures we mention here as they were omitted in their proper place.

At Constantinople, the current *coins* are golden sequins, worth two hundred and forty-three aspers. The piece reckoned at one hundred and twenty aspers. The paras or medins, worth three aspers; and the asper, worth a trifle more than a farthing sterling. Many foreign *coins* pass here, such as Spanish dollars (if weighty) at a hundred and eight to a hundred and ten aspers, and in proportion for what they are light; caragrouchs (money of the empire) for a hundred and twenty aspers; the asselanis, abouquels, and lion-dollars of Inspruck and Holland, worth a hundred and sixteen aspers; the Polish abras, the turks, izelotes, Venetian and Hungarian zekins, &c.

At Smyrna, they use for current money the asselanis and abouquels, worth eighty aspers; the sherifs of this place being pieces of gold worth two dollars and a quarter.

At Alexandretta, or Scanderoon, as well as at Aleppo and Seyda, the current *coins* are the dollar, worth eighty aspers; and under these denominations all accounts are kept in these parts.

At Alexandria, Rosetto, and Grand Cairo, the current dollar is worth thirty-three Medini, and the abouquel or lion-dollar, thirty ditto; the asselani worth thirty-two medini, and the Spanish dollar about seventy. The gold *coins* are the sultani, xeriff, and chekeens, being each worth about nine shillings and four-pence, five-pence, or six-pence sterling.

The places mentioned in the three last articles should not have been inserted here, had their connexion been less with Constantinople than it is, as their situation is not in Europe, to which part of the world we proposed to confine the present article of *coins*, which we have now finished with all the accuracy we have been able; and though the greatest part of the preceding tables and computations are collected from several authors, and their errors (which were many) corrected, wherever we perceived them; yet we have not stopt here, but also very considerably enlarged them, by the addition of many principal trading places, that had been omitted by the compilers of the aforesaid calculations, who have generally copied from one another, and thereby propagated the mistakes and oversights of the first inventors, which are here (at least in some measure) rectified and improved.

We shall next endeavour to give the best account we can of the *coins* of the other trading parts of the world, and by the way add something concerning their weights and measures.

At Caffa in the Black-Sea, many foreign *coins* are current; but those in most esteem are the weighty Mexican and Sevilian dollars, which are always worth here ten *per cent.* more than the asselani, being continually bought up by the Armenians, and sent to Persia. The asselani passes for ninety to a hundred aspers; the Venetian zekin for two asselanis and a half (as at Constantinople); the abras passes for one-fourth of an asselani; the izelot for two-thirds of ditto, and the turk for one-third. The ocque or ok of Caffa is the same with that at Constantinople: and they have two sorts of long-measures, the one for woollens and silks, and the other for linens, cottons, &c. both are called pics, but the first, for distinction, pic-arsem; the linen pic is thirty *per cent.* bigger than that of Constantinople.

At Kily, or Kilia, the money consists in asselanis, worth sometimes a hundred and fifteen or a hundred and sixteen aspers, as at Constantinople, their price being generally governed by that of the last city: the izelot is received here for two-thirds of the dollar. The sevilan and the ca-

ragrousch have here the same currency as at Constantinople, and other species at a proportionable value.

At Prevat, all trade is carried on in asselanis, abras, turks, izelotes, Venetian and Hungarian zekins, cheriffs, aspers, and paras; these species being commonly fifteen *per cent.* higher than at Constantinople, as they are at Synope, Nicopolis, and Castamboli.

At La Mastre, the current *coins* are only the asselanis, quarts, turks, izelotes, and aspers, the sevilan and caragrousch dollars not being so much as known here.

At Salonica, in the Archipelago, the sevilan is worth two hundred and twelve aspers, and the sequin roupi four hundred and twelve. The measure called the guilot, makes near half a Leghorn sack, as the ocque does three pounds and a half of that city, and the pic is near a Dutch ell.

In Barbary, the greatest part of the money used is foreign: here are, however, some *coins* struck by the kings or deys in their different territories, though the general currency in these parts are Spanish dollars, French crowns, Hungarian ducats, and the Turkish golden sultanins.

The metecals are a sort of gold ducats made at Morocco, by the Jews at their pleasure, so that their standard is very uncertain; the blanquilles are small silver pieces worth two French sols and a half, and the felours are copper of which eight go to a blanquille. Dollars, halves and quarters are almost the only foreign *coin* current in Morocco, where the English, French, and Dutch gold and silver, or the Spanish pistoles are not received.

There is also coined at Tunis some species of gold and silver. The sultanins are of the former metal, but heavier by one-third than those of Europe. The navares are of silver, cut nicely square; the doublas and burbas coined here are the same in value with those of Algier.

The long measure of Mequinez is the palme, which is eight French inches, or two-thirds of the Paris foot: and the long measure of Sancta Cruz in the kingdom of Morocco, is called a coude, of which a hundred Paris ells make two hundred and twenty five; the hundred aunes of Holland a hundred and thirty-three; a hundred English yards about a hundred and seventy-five; and a cane of Provence three coudes and three-fourths. The real *coins* are the flux, blanquille, and golden ducat; the flux is of copper, and sixteen go to the blanquille, of which four make an ounce, and ten ounces, or forty blanquilles make a silver ducat; the golden one has no fixed course, but the price of it varies according to its scarceness or plenty, from twelve and a half to fifteen ounces. A weighty dollar yields a trifle more than seven ounces and a quarter, given into the mint for making blanquilles; their weights are five *per cent.* heavier than the mark weights, and it has been found by experience, that a hundred Marseilles pounds, produce at Santa Cruz ninety-seven pounds; and a hundred of Santa Cruz yield a hundred and twenty-five, or a hundred and twenty-six at Marseilles.

At Algier, the current money made there are golden sultanines and aspers; burbas, of which six go to an asper. The doubla is silver, and worth a trifle more than the French crown; the rubick, median, and zian, are all gold *coins*; the first worth thirty-five, and the last a hundred, aspers; but these three species are particularly struck at Tremecen. The foreign *coins* that pass here, are the sultanines of Morocco, the Portugal golden pieces, the Venetian sequins, the Spanish pistoles, and dollars of all weights. The value of these species is not here fixed, but varies (though not much) according as it suits the government; not but the *patique chique* (small dollar) or the asper dollar (which is an imaginary *coin*) is fixt, and always worth two hundred and thirty-two aspers; the third of a current dollar, commonly called the great patique, which ordinarily weighs two pistoles and a half, but is sometimes altered by the dey. In 1725, the sultanine of Algier and that of Morocco, were worth two current dollars and four rials; the Venetian sequin, two dollars, six rials; the crusade of Portugal, seven dollars; the Spanish pistole, four dollars and four rials; the Sevil and Mexican weighty dollars, twenty to the pound, three small patiques, and seven temins; the weighty Leghorn dollar, three current dollars and six rials; ditto of Tunis, three dollars and four rials; the great patique or current dollar of Algier, three small patiques, or six hundred and ninety-six aspers; the temin is a small rial,

or one eighth part of the little patique, that is twenty-nineaspers; the caroube is half a temin or fourteenaspers and a half.

The common Alger quintal is one hundred and thirty-three pounds of Marseilles, or one hundred and six pounds de marc; the pound in general is composed of sixteen ounces, except in weighing chocolate, tea, and similar commodities, when it is only fourteen ounces; the pound of dates, raisins, &c. is twenty-seven ounces.

The measure for woollens and linens is the Turkey pic, of which two make one aune and two inches Paris measure; but gold and silver stuffs and silks are sold by the Morefco pic, three of which only make two and one-third of that of Turkey.

Though a considerable trade is carried on to the prodigious extensive coasts of Afric, and though these are peopled by numerous different nations, yet *coins* are unknown among them, and all their commercial transactions carried on by way of barter, they having no other money in use, than some shells for the purchase of small matters, in most places; and in Abyssinia or the empire of Prester John, some bits of rock salt only; so that this great part of the world affords nothing to remark on the subject we are at present engaged in, till we come to the isle of Madagascar, where though money is useless; yet they have some weights, though only for gold and silver, and the biggest of these not exceeding a dragme, or the gros, they having no notion of ounces or pounds, nor terms in which to express them. The gros is here called *sompi*; the demi-gros, *vari*; the scruple or pennyweight *facare*; the demi-scruple or obuley *nanqui*, the six grains *nanque*; the grain unnamed among them. And all other merchandize are exchanged according to their value, and not weight. They have likewise here long measures, and those of continence, the latter, like bushels, are called *troubabouache*, or *moncha*, that hold six pounds of husked rice. The *voule*, not containing above half a pound, and the *zatou*, with which unhusked rice is measured, and contains one hundred *voules*, being near twenty-five pounds; they have but one long measure, called *refe*, which is very near an European brasse; and they are not unacquainted with the span, but open their hand to describe it.

The weights, measures and *coins* of Asia, &c. as they are in use at every place, are alphabetically digested to avoid swelling this article unnecessarily.

However, as the knowledge of coins, &c. is a point of no little importance to the interests of commerce, we would not willingly omit any useful matter, that may give due light into it; and therefore shall quote the sentiments of the celebrated marquis Belloni, merchant and banker at Rome, in his Dissertation on Commerce.

Though, says he, we have already shewn what is understood by the proportion between gold and silver, and how that was settled at its first institution; yet, as it is a matter of the greatest consequence to trade, and, when not duly regarded, may greatly distress a state; it is necessary to dwell longer on this subject, and observe the various cases, in which the alteration of this proportion cannot fail to produce some remarkable effects. When gold and silver assumed the form of money, both these metals had affixed to them a determinate value; and though, in former ages, the proportion between them was so settled, that every ounce of gold was equivalent nearly to twelve ounces of silver; yet afterwards, when America was discovered, gold came to be of such esteem, that the ounce was equal nearly in value to fifteen ounces of silver.—This was occasioned, we may believe, by the greater increase of silver from the mines. As this regulation was founded on the greater or lesser quantity of one of these metals, the present proportion of one to fifteen does not seem so well adjusted as might be wished, because, from the present scarcity of silver, which is owing to the great sums of that coin that are carried to the East-Indies, the custom of working large quantities of silver into plate, and to the decrease in the produce of the mines, the price of gold seems to be raised too high; and it were much to be wished, that it were reduced to its just proportion.

The quality between gold and silver being duly adjusted, all other interior kinds of money, of the same standard, would be subjected to the same rule, whereby many in-

conveniencies and mischiefs would be prevented. For it is not possible to disregard this proportion, but the certain loss of the one or the other of the species must ensue; since, either of them being raised in its intrinsic value, the other will be carried out of the kingdom, or wrought into plate. But, before we explain the effects, which proceed from the want of this proportion, it may be proper to refute a certain opinion, prevalent in most countries, which is, that in regulating the current value of money among ourselves, we ought to have regard to the practice of neighbouring countries. This is a mistake of so capital a nature, that it is of the last consequence to have it obliterated from the minds of men. And, though some endeavour to establish this error by the similitude of a river, which, raised above its banks by the additional water of a land-flood, overflows two states, and thereby obliges that which lies on the lower ground, for its own security, to keep a watchful eye over that which lies highest, and on the banks of the same river; it may be answered, that this similitude has no relation to the present purpose; and that, setting aside the case of which we took notice, it would be the interest of all Europe to alter the proportion that now obtains between the two metals, that are the materials of money; in all other particular circumstances no variation ought to be admitted therein. And it is very easy to demonstrate, that, in regulating the current value of the coin of a kingdom, it is of no moment to regard the conduct of neighbouring states.

For if we suppose, for example's sake, a kingdom in which the values of the metals are so adjusted, that, according to the common system of kingdoms, the gold and silver are rated in a due proportion to each other; and that, with respect to trade, it is also upon an equal footing with foreign countries: if, I say, matters are thus settled within the kingdom, I do not see what reason it can have to apprehend any disadvantage or injury from its neighbours. On the contrary, if the circumstances of a neighbouring country, in consequence of having its money system regulated by a wrong proportion, could have any influence on this kingdom, it must certainly be to its benefit rather than otherwise. If we suppose, that in a neighbouring principality the money-system is so regulated, that either of the two species is rated too high in respect of the other; it will follow, that the species which is estimated below the just proportion, will remove out of this principality, and be carried in great quantities into the neighbouring kingdom, in lieu of the species that will go into the former, as the price of the money that has the greatest intrinsic value. To make this matter more intelligible by an instance, let us suppose, that in any place the money-system is so constituted, that gold is estimated at a lower rate in respect of silver, than the just and exact proportion between these metals doth admit; in this case, the gold will go out of that country, and at the same time that it moves into another, and draws the silver-money from thence, it will carry into the latter a profit equal to the difference between the price the gold is rated at in the former, and its true intrinsic value. And, if the kingdom that receives this great advantage, be also supposed to adopt the usual practice of estimating foreign money, at no more than the simple price of gold or silver in bullion, as the rules of a well regulated mint require, it will also gain an additional profit from the metal itself so imported. But whereas, at the same time that this kingdom reaps so much profit, it will be exposed to one particular inconvenience, viz. that while it abounds with gold, it will, in some measure, labour under a scarcity of silver. It will be no difficult matter to remedy any disadvantage, that by this means may be occasioned to trade: for, by bringing down the foreign gold in this same kingdom to the proportion which prevails in the neighbouring states, the end will be attained.

But, because this affair of money is a matter of such importance, that it ought not to be passed over in a superficial manner, but be thoroughly examined into before we proceed to other things relating to the necessity of a proportion in commerce; it will be proper to make some reflections on the custom, whereby, to keep the money of a kingdom within itself, it has been ordered and enforced by laws, that no money be carried out of the kingdom. And, because it is my intention to lay down, with candour

dour and sincerity what may be of the greatest use to promote commerce and good œconomy in states and kingdoms, I must say, yet without design to offend against the reverence that is due to the regulation of those that are at the helm of affairs in states and republics, that this prohibition, if other prudent measures, proper to promote the end, be not employed, will not prove an effectual remedy. See the articles *BALLANCE of Trade, CIRCULATION, CASH.*

And feeling the design is to prevent the exportation of money, another method, in my opinion, ought to be pursued, and that is, rather to have recourse to such expedients as may contribute to preserve the ballance of trade; since it is most certain, that, whenever the commerce of a state stands upon this equal footing, its money must of consequence continue in it; but, when the equilibrium is disturbed, and the ballance is against the state, its money must be carried to foreign nations to pay for the excess of goods imported, above those that have been exported; and, to conclude, if the ballance of trade is in its favour, the money must not only continue in it, but also increase and multiply. Since then this is the true state of the matter, and that from the three cases we have proposed, the effects already intimated must necessarily follow; it is very evident that the remedies, which consist merely in prohibiting the exportation of money, do not reach the cause and root of the distemper, nor prevent the evils that spring from the prevalence of a passive commerce.

And, to give a more convincing proof of the truth of this, let us suppose a kingdom, whose passive commerce is greater than its active, and that the subjects are so obedient to their prince, that they carry not one farthing out of his dominions; what will follow in such a case? Supposing that the ballance of trade is against that kingdom, and that it has contracted a debt to foreigners; unless these foreigners, by a strange and unexpected generosity, should think proper to remit the whole of that sum of money, which they have a right to exact; for the excess of the commodities imported above the value of the goods exported out of that kingdom; the price of exchange will, in this event, rise so high to the prejudice of the subjects thereof, that if money be not exported in great quantities, and no other means left for paying the debt but that of exchange, the subjects will be reduced to such distress, for want of commodities to dispose of for relieving their credit, that, to cancel the debts they have contracted for goods, they will be obliged to return those very goods which they have purchased for their own consumption: while, on the contrary, strangers, who have contracted any debt in that kingdom, or want to raise money for purchasing goods, will have the advantage of exchanges as much under par, as the subjects of the said kingdom will find them raised above it in other markets, to the benefit of foreigners. In this situation of affairs, if the sovereign of that kingdom shall exert himself to stop the course of money, which will naturally go out of his dominions, and rather choose to apply a direct, though unnatural remedy to this evil, which is but an effect of the passive commerce his subjects are engaged in, and the active trade carried on by foreigners, than to think of proper means to cut off the cause and root of the distemper, every one sees to how little purpose his pains will be bestowed. From all which we are put under an indispensable necessity to conclude, that there is not a better, nor more certain means, to keep money from going out of a kingdom, than to take particular care, that commerce with other kingdoms be constantly kept upon an equal footing at least, and that an exact and true proportion be preserved between gold and silver.

This opinion of ours, with regard to the provision which ought to be made for money, is confirmed by that celebrated expression of the famous M. Colbert of France; for this great man used to say, That whenever a kingdom has the ballance of foreign trade against it, and is engaged in a passive commerce, supposing it were possible, that, in such a case, a wall could be drawn quite round it, to prevent the exportation of money; if the least hole is left in that wall, we ought to conclude, that, by this very hole, the money would find its way out.

Since we have already proved, that these two things, to wit, the keeping of commerce constantly in equilibrium, and maintaining an exact proportion between gold and silver, are essential points of good conduct, with regard to the preservation of money; and sufficiently shewn how, by the prevalence of passive commerce, money comes to move out of a kingdom into other states; we must now proceed to examine how, without the influence of a particular state of commerce, we shall here suppose to be in equilibrium, a mere variation from the just proportion that ought to be observed between gold and silver, with respect to other nations, may be the occasion of very great disadvantages to a kingdom in the affair of money. Suppose then, that in a particular kingdom, we imagine, a money-system prevails, that shall raise the gold above its real value; and that in this regulation, instead of the common proportion of one to fifteen that now obtains, an ounce of gold is allowed to be equivalent to sixteen ounces of silver: since such an alteration would raise the gold six two-thirds *per cent.* above its value, and reduce the silver to just so much below its worth: it is evident, that this increase of the current price of gold would naturally cause the silver to be exported out of that kingdom; and as gold would be imported in its stead, and increase greatly, the nation must unavoidably lose six two-thirds *per cent.* of all the silver that would be thus exported.

On the other hand, should the silver money be raised above its value, so that fourteen ounces should be esteemed equivalent to an ounce of gold; while the proportion should stand thus, the silver money would not only continue in the kingdom, but also increase greatly, and the gold coin would be exported in the same proportion, and the nation would lose upon it seven one-seventh *per cent.* Moreover, from either of these variations, two absurdities would follow; the one is, that both the prince and the people would lose of that part of their monied-property six two-thirds, if the above disproportion should fall upon the gold coin; and seven one-seventh, if it should fall upon the silver. The other inconvenience would be, that there would be no specie to circulate in the kingdom but either gold only, or silver only, according as the one or the other of these metals should happen to be estimated above its true proportion.

As we have separately considered two evils in commerce, the one when the ballance thereof is against a kingdom, and the other when the exact proportion between gold and silver is not duly regarded, and have shewn what loss may be sustained by means of either singly, without the concurrence of the other; let us now examine of what dangerous consequence these two disorders may prove to the public stock, when they meet together in the same kingdom. Let us then suppose that a state is in such a situation, that it lies under the weight of a passive commerce with foreign nations, and, at the same time, in its regulations with regard to money, matters are so disposed, that, neglecting the common proportion of fifteen ounces of silver to one of gold, they allow sixteen ounces of the former for one of the latter: it is certain, that, in such a disposition of affairs, this kingdom will be exposed to two great disadvantages; whereof that will certainly be the greatest, which proceeds from its having the ballance of trade against it; for, thereby, the foreign exchanges will rise high, by which means the money of that kingdom, will be carried into other states in greater or smaller quantities, as this ballance of trade is more or less against it: the other disadvantage will be, that, by reason of the extravagant price of gold, the silver will be carried out of the kingdom. Moreover, a disadvantage arising from the first of these causes will be, that this kingdom will lose so much of its effective cash, as will amount to the price of all these commodities which are brought from abroad, above the proportion of the goods that are exported out of it; and a second, proceeding from the like cause, will be, that in this loss will be comprehended another, by which the kingdom, on account of the difference of the price, arising from the disproportion of gold above silver, will lose six two-thirds *per cent.* And to the former two we may add a third loss, consisting in the scarcity of silver coin, which is most commonly used in domestic trade.

On the other hand, if the silver money is raised above its intrinsic worth, the same consequence will follow with respect to gold *coin*. For, if we suppose a regulation made, by which fourteen ounces of silver, and no more, shall be accounted equivalent to an ounce of gold, immediately after its value is thus diminished, the gold *coin* will be carried out of the kingdom; and, besides the loss the kingdom sustains by the balance of trade being against it, such kingdom will lose likewise by the exportation of gold seven one-seventh per cent. over and above the scarcity of gold it will labour under.

Besides, whether the disproportion supposed to be introduced into the money-system affect the gold or silver *coin*, in either case the kingdom will suffer alike: to avoid which disadvantages, reason should seem to require, that these two metals be regulated in their proportion, according to that system, which ought to serve as a constant and universal rule to all, and the general practice of the kingdoms of Europe; that is, to fix unalterably the proportion between gold and silver, taking the measure thereof, with respect to more or less, from the most considerable and distinguished parts of Europe; it being proper to take out rules in this matter from such, and, indeed, several kingdoms have already taken those proper methods, to prevent the scarcity of silver.

And because it seems to be of some use to consider all the possible circumstances of a kingdom, which, for example's sake, we are allowed to suppose, that we may enquire into the consequences that will follow from each of them, in order to satisfy the desires of those who have a curiosity to know the various effects of the several conditions of any state, let another situation of a kingdom be proposed. Suppose then, that this kingdom, by having the balance of trade against it, is subjected to a passive commerce with foreigners; but, with regard to its regulations in the affair of money, suppose them to be such, that the just proportion is observed between the two metals: how would we know what will follow from the situation of affairs? This will be a new sort of disorder, and worse, perhaps, than any other; since it is manifest, that both the gold and silver will be equally carried out of such a kingdom; whence so great loss and detriment will follow, that it will be proper to shut up the mint, and coin no more money. For, as the balance of commerce is supposed to be against the nation, it will keep the exchange high, in proportion to the excess of the passive above the active commerce of the state: and, as gold and silver bullion must be purchased abroad, which can only be done by exchange, these materials will cost more than the money to be made out of them; for though, with respect to money, it is the prerogative of the prince to determine the weight, firmness, and value, not only of gold, but also of silver *coin*; yet he has not the right of fixing the price of those metals in bullion, this privilege belong solely to commerce, which also regulates the course of exchange. Wherefore from hence, and what has been already said, it may very plainly appear how the coining of money, in such circumstances, must be attended with inevitable loss. It now remains that we shew, how it may come to pass that, supposing a kingdom has the balance of trade against it, and that the proportion that ought to obtain between the two metals is not observed in it, money may, notwithstanding, continue to be coined, for some time, without disadvantage. For,

Suppose that, in this variation from the true proportion between the two species, the gold happens to be overvalued; in this case, as has been often observed, it will follow of consequence, that the gold will remain in the kingdom, and the silver will be carried out of it, in greater or less quantities, according to the greatness of the balance of commerce that is against it, and the degree of the supposed variation from the proportion that ought to subsist between the two metals. Mean time, because the silver *coin* will bear a greater price abroad, and will be exported to pay the debt contracted to foreigners, for want of commodities to compensate those that were imported; the balance of trade being thus discharged, by the silver so exported, the exchanges will be kept low, and, by means thereof, gold may be purchased to be coined into money. But this will cost no less than, in the first place, the loss of all the silver *coin*, and afterwards that, of the gold also,

if the balance of trade still continues against the nation; and then, the exchanges rising still higher, the kingdom will fall daily into greater and greater distress. And what we have said of gold may, with the same justice, be said of silver, if it is raised above its worth; since, from the overvaluing of silver, the same kind of effects will follow which have been observed already, when we supposed gold to be raised above its just rate.

But, because what we have hitherto offered will be of little use, if, after having discovered the sources of national loss and distress, we cannot fall upon the means for applying proper remedies; wherefore, that these observations may not serve merely to gratify a vain and fruitless curiosity, we shall, throughout the course of this practical and political dictionary of commerce, humbly propose expedients for bringing into a proper method those things that may be amiss in a state, or at least not altogether consistent with good order and government; which, possibly, may be capable not only of satisfying the desires of such as want to have a thorough knowledge of commerce, but also furnish proper hints to those who may be zealous to establish upon a solid foundation, and, at the same time, strengthen and improve the riches and power of a nation. See the articles *ARBITRATION of Exchanges, CASH, CIRCULATION of Money, EXCHANGE, MONEY.*

The laws of England relating to coin.

By 20 *Edw. I.* merchants are prohibited from trafficking with money, and importing clipped *coin*, &c. on pain of forfeiture.

Gold or silver plate, or *coin*, not to be exported without licence, on pain of forfeiture. Search to be made for false *coins* imported. 9 *Edw. III. c. 1.*

Money not to be impaired in weight or alloy. 25 *Edw. III. c. 13.*

No *coin* to be current but the king's own; and any person may refuse foreign *coin*. 27 *Edw. III. c. 14.*

Foreign *coin* not to be current in England, but to be melted down. 17 *Rich. II. c. 1.*

Coin or plate found in the custody of persons ready to pass the seas, or in any ship, to be forfeited to the king. 2 *Hen. IV. c. 5.*

By 3 *Hen. V. c. 6.* it was first made treason to clip or file money.

Gold to be received in payment by the king's weight. 9 *Hen. V. c. 11.*

Mint-master to keep to his assay, and receive silver at the true value, on pain of double damages. 2 *Hen. VI. c. 12.*

Coins of gold and silver to continue current notwithstanding some of them are cracked or worn, but not if they are clipped. Monies clipped to be exchanged at the mint. *Coin* transported to Ireland above 6s. 8d. or Irish *coin* imported above three shillings and four-pence, to be forfeited. A circle to be made round the outside of money. 19 *Hen. VII. c. 5.* Halfpence and farthings to have stamps; and, when the bullion is under one hundred pounds, the owner to have a tenth part in halfpence. 14 and 15 *Hen. VIII. c. 12.*

Counterfeiting, impairing, &c. of *coin*, or foreign *coin* made current, is made high-treason, by 14 *Eliz. c. 3.* and 4. 18 *Eliz. c. 1, 7.*

Silver *coin* melted down, to be forfeited, and double value. 13 and 14 *Car. II. c. 31.*

Gold and silver delivered into the mint, to be assayed, coined, and delivered out, according to the order and time of bringing in. A duty of ten shillings *per ton* on wine, beer, &c. and twenty shillings for brandy imported, granted for the expence of coinage, which is not to exceed in officers, &c. three thousand pounds *per annum*. 18 *Car. II. c. 5.*

The 25 *Car. II. c. 8.* directs the levying of the duties supra, &c. and the 18 *Car. II.* revived and continued by 1 *Jac. II.*

The 3d, 5th, and 12th of *William III. c. 7.* continue the two former.

Refusing to receive cracked money in payment, to forfeit 5l. 4 and 5 *Will. and Mary, c. 16.*

Advancing unclipped money, to forfeit ten pounds for every twenty shillings.

Buying or selling clippings or filings, five hundred pounds penalty. Persons melting *coin*, to be imprisoned six months, besides forfeiture, &c. Persons apprehending money-coiners, clippers, &c. to have forty pounds reward; and guilty persons discovering two others to be pardoned, &c. 6 and 7 *Will. III. c. 17.*

Persons bringing plate to the mint to be coined, not to pay for coinage, but to have the same weight of money delivered out. Persons keeping public houses to have no manufactured plate but spoons. Molten silver, or bullion, not to be shipped off without a certificate from the lord-mayor, that oath has been made it is foreign bullion, under the penalty of two hundred pounds; and officers may seize the bullion as forfeited. Gold or silver not exceeding two hundred thousand pounds may be exported by a licence. Guineas not to go for more than twenty-two shillings. 7 and 8 *Will. III. c. 19.*

Hammered silver *coin* brought to the mint to be received at five shillings and four-pence *per ounce*. Receivers of taxes, &c. to receive money at five shillings and eight-pence *per ounce* till such a time; afterwards at five shillings and two-pence only. *Coin* not clipped within the innermost ring to be received in tale, and not by weight. 8 *Will. III. c. 2.*

Monies received by the mint, &c. at five shillings and four-pence *per ounce*, and five shillings and eight-pence *per ounce*, to be delivered back to the bringers in, and receivers, &c. to be paid into the exchequer with an allowance of the deficiency in recoining; silver plate, &c. to contain eleven ounces and ten pennyweights of fine silver in every pound, and to be marked with the two first letters of the workers name, on pain of forfeiture. Plate received at five shillings and four pence *per ounce* to be melted down. 8 and 9 *Will. III. c. 7 and 8.*

By 8 and 9 *Will. III. cap. 26.* it is high-treason to make any stamp, die, mould, &c. for coining, except by persons employed in the mint, &c. conveying such out of the mint, the same; colouring metal resembling *coin* like gold or silver, or marking it on the edges, is likewise treason; and mixing blanchéd copper with silver, to make it heavier, and look like gold, or receiving or paying counterfeit milled money, is felony. 8 and 9 *Will. III. c. 26.*

Hammered silver *coin* may be refused in payment, as not being the lawful *coin* of this kingdom. 9 *Will. III. cap. 2.*

Any person may cut, break, or deface pieces of silvery money suspected to be counterfeit, or diminished otherwise than by wearing; but if they appear to be money, &c. shall stand to the loss. 9 and 10 *Will. III. c. 21.*

No person to make or coin any farthings or halfpence or pieces to go for such, of copper, under the penalty of five pounds for every pound weight. 9 and 10 *Will. III. c. 33.*

By 4 and 5 *Ann. c. 22.* the lord-treasurer is impowered to issue, out of the monies arising by the coinage-duty, the sum of five hundred pounds above the sum of three thousand pounds, allowed yearly for the use of the mint.

The 7 *Ann. c. 24* makes 8 and 9 *Will. III. c. 26.* perpetual; and continues 18 *Car. II. c. 5.* for seven years.

On a scarcity of silver *coin*, for remedy, guineas were sunk to twenty-one shillings by proclamation. 3 *Geo. I.*

The coinage duty on wine, beer, &c. and brandy imported, is continued; and the treasury to cause money to be applied to defraying the expences of the mint; so as with the coinage duties it exceed not fifteen thousand pounds a year for England and Scotland. 4 *Geo. II. c. 12.* 12 *Geo. II. c. 5.* 19 *Geo. II. c. 14.*

Persons counterfeiting broad pieces of gold, or uttering them knowingly, to be guilty of treason. 6 *Geo. II. c. 26.*

Washing, gilding, or altering the impression of any real or counterfeit shilling or six-pence, or brass-money, to make the one pass for a guinea or half guinea, or the other for a shilling or six-pence, is high-treason. Knowingly uttering false money, for the first offence six months imprisonment, for the second two years imprisonment, and the third felony without benefit of clergy. If any person, knowingly uttering false money, shall have about him any other false money, or within ten days after utter any other false money, he shall suffer a year's imprison-

ment; and coiners of halfpence or farthings to suffer two years imprisonment, &c. 15 *Geo. II. c. 28.*

COINAGE, is the stamping and making of money by the king's authority. Besides this general signification, relating to money, it is by a law provided, that all the tin in Cornwall, after it is cast and wrought, shall be weighed and marked by the king's officer, with a lion rampant, which is called *coinage*.

COLCHESTER. By an act of 9 and 10 of William and Mary, intitled, An Act for cleansing, and making navigable, the channel from the Hithe at *Colchester* to Wivenhoe, several duties were granted on goods and merchandizes, which should be brought in and to the said channel, and landed or shipped from Wivenhoe, or the New Hithe in *Colchester*, or between either of the said places, for the term of twenty-one years, for the uses and purposes mentioned in the said act; and several powers were vested in the mayor, aldermen, assistants, and common council of *Colchester* only, for appointing collectors, &c. to receive the duties; which act, and all the powers and authorities thereby given, and one moiety of the duties (except upon corn and grain) were, by an act of 5 George I. continued until the first of May, 1740; and further power was thereby given to the mayor and commonalty only, for recovering the said duties; and by one other act of 13 George II. intitled, An Act for enlarging the term granted by an act passed the 9 and 10 William III. for cleansing and making navigable the channel from the Hithe at *Colchester*, to Wivenhoe, and for making the said act, and another act of 5 Geo. I. for enlarging the term, &c. more effectual, it is enacted, that the said two former acts, together with the additional powers, granted by the act of 13 Geo. II. should be in force from the first of May, 1740, for ever; and that the duty on sea-coal should, after the said first of May, be three-pence *per chaldron*, and no more, payable for the term of forty years; and by the said act it was declared, that no other duty (except the arrears due upon the former acts) should be raised upon any other goods or merchandizes whatsoever; and the said mayor and commonalty of *Colchester* only, were, by the last-mentioned act, vested with further power for suing for the duties, and the arrears under the former acts: and as a very large lock, which has been erected several years since in the channel, has been found of great use and service to the navigation, and is now in a decaying condition, and much out of repair, and the channel, in some parts, is much choaked up, so that the navigation is greatly obstructed, which has been occasioned principally by there being great arrears of the duties, granted by the recited acts, for many years due, and still unpaid; and also a large sum of money remaining in the hands of the representatives of the late receiver-general of the duties, which ought to have been recovered and applied for repairing the said lock, and cleansing the channel; but, as the power of the mayor and commonalty of *Colchester* had ceased for many years last past, (in whose name only the said duties were to be recovered, and discharges given) the said duties and arrears cannot now be recovered and collected, for want of power to give discharges for the same; and, there being no other fund to raise money for the purposes aforesaid, the same cannot now be done without further provision be made for it, by authority of parliament; it is therefore enacted, that the several parcels of land severed, and lying between the present channel, and the place where the old channel was, and also the present channel, lock, and lock-house, and all the powers, matters, and things, which, by the three former acts before-mentioned, were vested in the mayor, aldermen, &c. of *Colchester*, or the commissioners named for any of the purposes therein mentioned, (and not hereby altered or varied) shall, from the first of May, 1750, be in force, and be vested in the justices of the peace of the east division of the county of Essex, for the time being, the honourable Richard Savage Nassau, Charles Gray, &c. (who are hereby constituted commissioners for putting the said several former acts, and this act, in execution) and the survivors of them, &c. for the term of thirty years, and to the end of the then next session of parliament, &c.

From and after the first of May, 1750, an additional duty of three-pence a chaldron shall be paid on sea-coal, over and above the duty of three-pence payable thereon,

by virtue of 13 Geo. II. for the space of thirty years, and no other duty (except the arrears due under the former acts) shall be raised on any goods or merchandizes whatsoever; and the commissioners are empowered to levy and recover the duty of the said act 13 Geo. II. and the additional duty hereby granted, together with the money remaining in the hands of the representatives of the late receiver-general of the duties; and also all sums of money due from any persons on account of the said duties, or penalties, forfeitures, &c.

The commissioners, after paying the expence of this act, may dispose of the monies, towards the several uses and purposes mentioned by the former act, in such manner as they shall think proper.

The commissioners, at any of their meetings, may borrow money, at a legal or less interest, on the credit of the duties, and assign over the same (the charges thereof to be paid out of the duties) for any term during the continuance of the last-mentioned, and this act, as a security for repayment thereof; and the said money, after payment of such of the expences of obtaining this act, as the sums before directed to be applied for that purpose shall be deficient, is to be applied for the several uses and purposes mentioned in the present and former acts.

Six days notice, exclusive of the days of notice and meetings, under the hand of the clerk to the commissioners, is to be fixed upon the outside of the door of the Moothall, or on the market-place of the town of *Colchester*, of the meeting of the commissioners to borrow money on credit of the duties.

All mortgages and assignments for repayment of the monies so to be borrowed, are to be entered at length in a book, to be kept for that purpose, by the clerk to the commissioners, which may be perused at seasonable times, by any persons whomsoever, on payment of one shilling only.

The commissioners, at any of their meetings, may place out at interest, in the names of three or more of them, any sums which shall not be immediately necessary to be applied for the purposes before-mentioned, upon any real or parliamentary securities, or public funds, and may call in and apply the same, and the interest arising thereby, from time to time, in the support and maintenance of the said lock, and cleansing the channel, and other purposes aforesaid.

The commissioners, at any of their meetings, are empowered to chuse and appoint one or more collectors or receivers of the duties granted by the said act of 13 Geo. II. and by this act, who are to give security to three or more commissioners, for the monies that shall be received by them, and for the faithful execution of their office; and they may also appoint a clerk, and such other officers and servants as shall be needful to be employed about the premises; and may remove them, and elect others in their place, in case of death, or such removal: and may allow them reasonable salaries out of the monies to be raised.

Thirteen commissioners, at the least, two of which are to be justices of the peace of the east division of the county of Essex, are to be present at all meetings, for the purposes of putting this, or the former acts, in execution; and three days notice of every such meeting, exclusive of the day of meeting, under the hand of the clerk, is to be fixed upon the outside of the door of the Moothall, or on the market-place of the town of *Colchester*.

Persons accepting of any place of profit, or other trust relative to the said duties, or farming any quay within the limits of this act, are made capable of acting as commissioners.

The prescriptive, or other rights of the borough of *Colchester*, are to continue and remain the same, as if this act had not been made, in all things not interfering with the directions and due execution thereof.

All suits or actions, to be brought, for any thing done under any of the former acts, shall be commenced within six months after the commencement of this act; and, if any action or suit shall be brought for any thing that shall be done in pursuance of any of the said former acts, or this present act, shall be commenced in six months after the fact committed, and shall be brought in the county of Essex; the defendants may plead the general issue, that the same was done by the authority of the former acts, or this act; and if it so appear, or if the suit be brought in

any other county, the jury shall find for the defendants; or if the plaintiffs become nonfuit, or discontinue their action, or a verdict pass against them, or, on demurrer, judgment is given against them, the defendants shall have treble costs, on the certificate of the judge before whom the cause was tried, and shall have the same remedy as defendants have for costs in other cases by law.

This act shall be deemed a public act, and shall be judicially taken notice of as such by all judges, &c. without specially pleading the same.

COLCOTHAR, the *caput mortuum* of vitriol.

Natural colcothar, a name given by some to chalcitis, which fee.

COLE-SEED, to what duties liable. 2 Will. and Mar. sess. 2. c. 4. s. 31.

COLLAR-MAKER. This is a mean and nasty business. He flays dead horses, cures their hides, and makes them into collars for carriage-horses. A boy intended for this business ought therefore to be strong and healthy, and of no squeamish stomach. The *collar-maker* takes from five to ten pounds with an apprentice; who with fifty pounds may set up master; though he may employ two hundred pounds in his trade: but a journeyman has little more than the wages of a common labourer.

COLLECTORS of the customs. Being sued by any but the king, may plead the general issue. 13 and 14 Car. II. c. 17.

COLOCYNTHIS, COLOQUINTIDA, or *bitter-apple*. The *coloquintida* of the shops is a round, light, white, dry, cellular substance, containing in the cavities seeds like those of the cucumber, but rounder, less flat, and harder: the kernel of these is oily and of a sweet taste. This drug is the pulp of a fruit about the size of an orange: it is at first of a green colour; but turns yellow as it approaches maturity. The pulp, which is the only part used in medicine, is very nauseous, acrimonious, and extremely bitter: it is brought to us from Aleppo. Mr. Boulduc has given a curious memoir on this article. He obtained from eight ounces of the pulp of *coloquintida*, by decoction in water, almost three ounces of a gummy extract; but got only half an ounce of resin from the same quantity of pulp digested in spirit of wine. He observes, that the extract, made by long decoction in water, purges without any inconvenience; but that the resin occasions intolerable griping pains, without proving at all cathartic. It has been a common custom, for a long time past, to endeavour at correcting the virulency of *coloquintida*, by the addition of hot essential oils drawn from aromatics: the oil of cloves in particular has been applied to this purpose. But these kinds of ingredients surely are not the proper correctors of substances, whose virulency depends upon their acrimony and adhesiveness. *Lewis*.

COLONIES. It has been a matter of doubt with some, whether our colonies in America have not proved prejudicial to Great-Britain; and a moot point with others, whether any advantage to it. It is certain, that a country which takes no care to encourage an accession of strangers, will, in a course of years, find plantations of pernicious consequence. The colonies in America have proved highly detrimental to the Spaniards; but this is owing to the nature of their government; the inquisition frights away strangers, and there is no provision at all to repair what their colonies drain them of: whereas the Hollanders, who send out greater numbers every year than the Spaniards, are not depopulated by it; their constitution inviting more over to them than they send abroad; and in the British colonies all foreigners may be made denizens for an inconsiderable charge; whereby many of all nations are encouraged to settle and plant in our Indies; the crown thereby gains subjects of them and their posterity, and the nation gains wealth by their labour and industry. There is also reason to think, that, for some years, the plantations have sent, of their offspring, and the persecutions abroad have brought over to his majesty's dominions, as many people as went from thence. Wherefore, we may fully advance, that our trade and navigation are greatly increased by our colonies, and that they really are a source of treasure and naval power to this kingdom, since they work for us, and their treasure centers here.

It is true, indeed, if a breach of the act of navigation, or any other beneficial act relating to our planta-

tions should be connived at, or broke through in any particular that would prove injurious to the kingdom, even our own plantations may become more profitable to other nations than to this; but, while the governors, and the other officers under the crown, whose business it is to take care hereof, do their duty, they can never prove detrimental to the nation.

By insisting that no breach in the navigation, or other act of the legislature, should be made, which has been enacted for the mutual benefit of England and her colonies, we would not have it inferred, that we are against permitting the inhabitants of our colonies to trade with each other, or that they should be prohibited to trade to the colonies of foreign nations, or carry their product, according as the law at present tolerates, directly to foreign countries. For, by our colonies trading under judicious national restrictions, with those of other nations, we, in some measure, render foreign colonies and plantations the colonies and plantations of Great-Britain; which brings us to observe, that all laws in our southern plantations which lay high duties on sugar, indigo, ginger, and other West-India commodities, imported into them, when impartially considered, will be found not only prejudicial to them, but to the general trade and navigation of their mother kingdom; and therefore it is our interest, and should be our care, that no laws laying such duties should remain in force, or be passed for the future. For,

The inhabitants, by carrying on a trade with their foreign neighbours, do not only occasion a greater quantity of the goods and merchandizes of Europe being sent from hence to them, and a greater quantity of the product of America to be sent from them hither, which would otherwise be carried from, and brought to, Europe by foreigners, but an increase of the seamen, and navigation in those parts; which is of great strength and security, as well as of great advantage to our plantations in general.

The commodities they bring from the countries where-with they trade, whether indigo, cochineal, logwood and other dyeing woods, cotton-wool, saffaparilla, and other drugs, &c. are such as are either re-exported from Great-Britain, or useful to us in working up our own manufactures, or such as we should need, and must send for, at a much dearer rate, from the mother-country of those people with whom our's may trade in America.

And though some of our colonies are not only for preventing the importation of all goods of the same species they produce, but suffer particular planters to keep great runs of land in their possession uncultivated, with design to prevent new settlements, whereby they imagine the prices of their commodities may be affected; yet if it be considered, that the markets in Great-Britain depend on the markets of all Europe in general, and that the European markets in general depend on the proportion between the annual consumption and the whole quantity of each species annually procured by all nations; it must follow, that, whether we or foreigners are the producers, carriers, importers, and exporters of American produce, yet their respective prices in each colony (the difference of freight, customs, and importations considered) will always bear proportion to the general consumption of the whole quantity of each sort, produced in all colonies, and in all parts; allowing only for the usual contingencies that trade and commerce, agriculture and manufactures, are liable to in all countries.

If this be admitted, then it must certainly be the true interest of our colonies, as well as of their mother-kingdom, to enlarge their settlements, and to suffer the produce of foreign plantations, in English shipping, to be imported to and exported again from Great Britain; for narrow-limited notions in trade and planting are only advanced by, and can only be of use to, particular persons, but are always injurious to the public interest, in preventing the full employment of our own people, and giving our rivals and competitors in trade, the opportunity of employing greater numbers of theirs, producing greater quantities of merchandize, and underselling us at foreign markets.

If a trade should be carried on, by which the product of our colonies (except liquors and provisions) should be sold to foreigners, and our colonies, in return, receive the goods and merchandizes of any foreign country in Europe, for consumption among them, it would certainly be greatly

prejudicial to the trade and navigation of Great-Britain; but this is pretty well provided against by the act of navigation, and other subsequent acts, and, if not sufficiently so, the wisdom of the nation will doubtless occasionally enact such laws as shall prove effectual in this respect.

The produce of our American colonies may be considered under two heads, viz. those that produce commodities of a different nature to this kingdom, and those that produce commodities of the same nature. Those under the first class, are Virginia, Maryland, Barbadoes, Antego, Montserrat, Nevis, St. Christopher's, and Jamaica, whose products are tobacco, sugar, indigo, cotton, ginger, and sundry kinds of drugs and dyeing woods. Those under the second class, are New-England, New-York, Carolina, Pennsylvania, &c. whose products are beef, pork, bread, beer, pease, rice, &c. cod-fish, mackarel, &c. masts, boards, staves, &c. furs, pitch, tar, turpentine, train-oil. The product of the first is of a different nature to what is produced from the lands of Great-Britain; and, of the quantities thereof imported, such a part has been annually re-exported, as hath proved one great means of the balance we have had from abroad, with those countries which take large quantities of our plantation commodities. The produce of the other is not of a different nature, unless rice, train-oil, &c. might be sent, indeed, to our sugar colonies from Great-Britain.

It is computed, likewise, that there is exported from Great-Britain and Ireland, to the several colonies belonging to the crown in America, to the value of 850,000 l. and that the importations from them all, including silver and gold, &c. are to the value of 2,600,000 l. so that, over and above what we send to our colonies in our manufactures, produce, and foreign commodities, we have a balance, in return thereof, to the value of 1,750,000 l. which centers and remains among us, and is not like such a balance in foreign trade, as must be carried out again directly in money, or in bills of exchange, to any other part of the world.

It is true, our northern colonies do not make us returns of themselves in proportion to what they take annually from us, and yield commodities of little value, and yet have most drained us of people; but, if it were otherwise, the trade of our island colonies could not, perhaps, be carried on to so great advantage to their mother-country; for these soils which produce the most estimable commodities, are not so proper to cultivate for corn, beef, pork, pease, &c. But, if they were, their hands are much more beneficially employed for the interest of Great-Britain. Besides, the southern plantations, in time of war, would be destitute of many necessaries, or obliged to employ their hands in planting provisions, &c. were it not for the vicinity of the northern colonies.

It may be said, indeed, that these provinces might be furnished from Great-Britain; but at so dear a rate, as would, perhaps, much discourage those plantations; for, besides their being all considerably dearer, so some kinds of them could neither be so good nor so fresh.

Though our northern colonies may furnish our southern with provisions, which might be sent from hence, yet they make it ample compensation by taking from it variety of manufactures, all sorts of cloths and furniture, much oftener renewed, and as good as the same number of people could afford to have at home. Whether, therefore, the northern colonies are beneficial to Great-Britain or no, depends on making a right balance between the commodities we send thither, and the provisions we might send to the southern colonies, if they were not supplied by the northern. But the present course of trade seems most nationally advantageous, by reason that the provisions which we might send to Barbadoes, &c. would be the unimproved product of the earth, as grain of all kinds, or salt-beef, pork, &c. whereas the goods we send to the northern colonies, are such whose improvement may be justly said, one with another, to be near four-fifths of the value of the whole commodities, as apparel, household-furniture, &c.

If our northern colonies should pretend to set up manufactures, and so clothe, as well as feed, their neighbours and fellow-subjects in the southern colonies, their nearness and low price would give them such advantage over this nation, as might prove of pernicious consequence. But this fear seems remote, unless they are discouraged from raising provisions, &c. and materials in general for variety

of manufactures; as were the people of Virginia and Maryland, for some time, in planting tobacco, by the high impositions laid upon its importation into this kingdom; who, in several counties in these colonies, made shoes, stockings, hats, linen and woollen goods, not only for their own, but the use of their neighbours. Which it is our interest to prevent, and to encourage them in planting, and such other branches of trade as interfere with the trade of other countries, not with that of our own. This seems to be the natural way to render colonies useful to their mother-country; and a neglect in this great point, to make them quite otherwife. See PLANTATIONS.

COLOPHONY, in pharmacy, a black resin, or turpentine boiled in water, and afterwards dried, or the resin remaining after the distillation of the ethereal oil, being farther urged by a more intense and long-continued fire.

When *colophony*, thus prepared, is treated with a fire of suppression, it yields a thick oil, along with a heavy acid water, which discovers the genuine nature and properties of a resin. Whatever virtues, therefore, *colophony* is possessed of, may be ascribed to the energy of these two principles combined and blended into one common substance. Hence it is obvious, why *colophony*, when reduced to a powder, and thrown into the flame of a candle, takes fire, and resembles lightning. Its nature is, therefore, understood by that of a resin. *Colophony*, reduced to a powder, is of singular advantage in surgery, in cases where the bones are laid bare, or the periosteum, tendons, and muscles, injured by burns, corrosions, contusions, punctures, lacerations, or partial divisions. It also prevents defluxions of serum on the joints, and induces cicatrices, and checks the fungous excrescences of ulcers, if applied in the same manner. Besides its drying, consolidating, and lenitive qualities, it is an ingredient in several plaisters and ointments.

COLOURS, in dyeing. There are in the art of dyeing, five colours, called simple, primary, or mother colours, from the mixture of which all other colours are formed; these are blue, red, yellow, brown, and black. Of these colours, variously mixed and combined, they form the following colours, pansy, blue, and red; from the mixture of blue and scarlet, are formed amaranth, violet, and pansy; from the same mixture of blue, crimson, and red, are formed the columbine or dove-colour, purple, crimson, amaranth, pansy, and crimson-violet.

Here it is to be observed, that they give the name of crimson to all colours made with cochineal.

Of blue and red madder, is dyed purple, pepper-colour, tan colour, and dry rose colour.

The same blue, with red-half in grain, makes amaranth, tan colour, and dry-rose colour.

Blue and half-red crimson compose amaranths, tan-colour, dry-rose, a brown pansy, and sun-brown.

Blue and yellow mixed together compose a yellow-green, spring-green, grass-green, laurel-green, brown-green, dark-green; as well as sea-green, parrot-green, cabbage-green, &c. these three last colours are to be less boiled than the rest.

This is to be noted, that as to green, there is no ingredient or drug in nature that will dye it; but the stuffs are dyed twice, first in blue, then in yellow.

Blue and brown. These two colours are never mixt alone, but with the addition of red, either of madder or cochineal, they form several colours.

Red and yellow. All the shades composed of these two colours, as gold, yellow, aurora, marygold, orange, paeony, granate-flower, flame-colour, &c. are made with yellow and red of madder, scarlet being less proper as well as too dear.

Red and brown. Of these two colours are formed cinnamon-colour, chestnut, musk, bears-hairs, and even purple, if the red be that of madder.

Yellow and brown. The colours formed from these two are all the shades of feuille-mort and hair-colours.

But this may be taken notice of, that, though it be said that there are no colours or shades made from such and such mixtures, it is not meant, that none can be made, but that they are more easily formed from a mixture of other colours.

COLOUR-MAN. Those of this trade prepare and sell all sorts of colours, paints, oils, and varnishes, for the

use of painters, jappanners, &c. for which purpose some of them keep large shops and warehouses. The *colour-man* buys the simple colours, compounds some of them, and grinds such as require it. This is a very profitable branch of trade, though hazardous to the health, especially if the boy is not particularly careful to keep himself clean; and therefore it is not at all fit for weakly constitutions. The *colour-man* ought to have a very good eye, and to make himself a complete judge of colours, to know all their properties, and the common tricks used to sophisticate them, not to impose upon his customers; but that he may guard against the imposition of those who would impose upon him in the goods they sell to him.

Some *colour-men* confine themselves to what relates to painting; and they not only serve the house-painters with all their colours and brushes, but the liberal painters with their fine colours, pencils, brushes, and canvas fit for drawing upon. They take with an apprentice from ten to thirty pounds; and a journeyman, who understands the business of a shop, has twenty or twenty five pounds a year and his board. But the grinding of their colours is performed by labourers at ten or twelve shillings a week; and some of the more common sorts, as white lead, are usually ground by a mill. From hence it happens that most of the apprentices, bred in these shops, not being able to set up in their own business, which would require at least two hundred pounds, turn journeyman house-painters.

COMB-MAKERS. The making of combs is divided between two branches; the ivory and the horn *comb-makers*. The ivory *comb-maker* buys the ivory plates, rasps them to a proper thickness, and saws the teeth; also makes combs of box, tortoise-shell, and sometimes of horn; in which case, they buy the horn ready prepared.

The horn *comb-maker* cuts the ox's horn into pieces of several rings, and slitting each, when hot, pulls them open, and then pressing them between hot iron-plates till they are of a proper thickness, shapes them, and afterwards saws the teeth. The horn *comb-maker* does not make combs of ivory, tortoise-shell, &c. Each of these branches take from five to ten pounds with an apprentice; and fifty pounds will enable a young man to set up master. Those who keep shops usually sell all these sorts; though, with respect to the makers, their employments are kept distinct.

COMMANDERS, or *captains of trading ships*, are such head-officers, as have the chief direction and command of merchant-men, as well with respect to the proper security of the cargo, as to the part of navigating the vessel.

As the success of merchants, in their foreign adventures, depends on the security of the navigation of shipping, so too much precaution cannot be taken in regard to the qualifications of their *commanders*; and that not only in relation to their skill and experience in the art of navigation, but their honour and honesty; late, as well as past experience having shewn, that they are not always proof against fraud and corruption; though, for their number, and the peculiarity of their employment, there is not, in the general, as the great Mr. Locke has observed, a more upright body of men in the three kingdoms.

COMMASSE, or **CONNUASSE**, a small money current at Mocha, and the only one made there; it has not a fixed value, but is dependent on the governor's caprice for it; sixty *commasses* and eighty caveers (or cabears, in which accounts are kept) make a French crown.

COMMENDO. See AFRICAN COASTS.

COMMERCE includes in the word whatsoever is transacted by way of barter, purchase, or sale, and whether the merchandize be coin, bills, or other commodities. Monsieur Melon defines it to be an exchange of what is superfluous for that which is necessary; and Monsieur Savary says, that necessity gave it birth, and the desire of convenience and ease augmented and gave it force; in fine, vanity, luxury, and avarice, pushed it on to perfection, perhaps even much beyond the just bounds it ought to have.

At first it was confined to the barter of the necessities of life; the husbandman giving his corn and pulse to the shepherd in return for his milk and wool; and he that had woods, and collected honey and wax, exchanged it for the different sorts of fruits, gathered by others in their orchards and fields.

And the usage of carrying on *commerce* by barter still subsists even in several parts (though of the most uncultivated ones) of Europe; as in Siberia, and the Danish and Muscovite Lapland; and it was but in the last century, that the English, French, and Dutch traders, first carried their merchandize to Archangel, and there trucked them with the Russians, for the products of that vast empire. Many nations on the coast of Afric, almost all of America, and some of Asia, have preserved this method of giving what is superfluous to them, for that which they have not, or at least in plenty.

It is not precisely known when *commerce* commenced by purchase and sales, or when it began to make use of gold, silver, or copper money, as the first species were those of wood, leather, and iron; and even at this day a certain value is fixed on different shells and cocoa nuts in several parts of both Indies, and given in payment for such merchandizes, drugs, and commodities as they want.

The oldest examples found of this *commerce* in the sacred history, are in the time of the patriarch Abraham; profane authors place the epocha under the reigns of Saturn and Janus in Italy; and the ancient Gauls (as Julius Cæsar reports in his Commentaries) attribute the invention to the god Mercury.

The Egyptians, Phenicians, and Carthaginians, are cited as the first, ablest, and most daring traders of antiquity, by many great authors; but this is contested by others.

It did not appear to the ancients, that an application to trade was unworthy the attention of the most illustrious persons; even Solomon, that sage and powerful monarch, did not disdain an engagement therein, but of ten joined his merchant fleets with those of the king of Tyre, in a voyage to Ophir, from whence they brought him those precious metals as rendered him (though governing but a small state) the richest prince in the world.

Under the Asiatic and Grecian monarchies ancient history discovers to us from time to time the traces of a *commerce* cultivated by different nations, though it seems principally to have flourished under the Roman government; and one may judge, by the testimony of historians and that of antique inscriptions, how many considerable colleges, or companies of merchants, were established in different cities.

The destruction of the Roman empire by the irruption of a multitude of barbarous nations, drew that of *commerce* with it, or at least suspended its ordinary operations for a time; though it afterwards revived, and by little and little made a new progress, more especially in Italy.

It was from thence that the Pisans, Genoese, and Venetians (whose numerous fleets spread themselves in all the ports of the Levant and Egypt, to load silk, spices, and other merchandizes of those countries) for a long time possessed the almost sole distribution of them to France, Germany, and the other states of Europe.

About the end of the fifteenth century, the greatest part of this trade passed from them to the Portuguese, after these latter had opened a new navigation in the ocean, and were established in divers parts on the coasts of Afric, India, and Arabia.

The Portuguese did not possess these different branches of *commerce* for above a hundred years, or thereabouts; for the Dutch, at the beginning of the seventeenth century, shared them with them, and very soon after stripped them of them almost entirely.

The English, French, Danes, and even the Hamburgers, excited by the example of their success, made also some establishments in the Indies, and on the coasts of Afric, though much less considerable ones, excepting those of the English, who have a very extensive *commerce* in those parts.

In fine, America, (which the Spaniards discovered, a little while after the Portuguese had secured a way to the East by the Cape of Good Hope) became a fresh object of a vast and important trade to all the nations of Europe, though, it is true, that the first conquerors of this new world have always possessed the best and richest part of it, and preserve the traffic to themselves with an extreme great jealousy; but besides that the English, French, Portuguese, and Dutch, have many flourishing colonies, as well

among the islands as on the continent, it is certain that it is (though undesignedly) full as much for other nations as for themselves that the Spaniards send their flota, or galleons, yearly to load the treasure of Mexico and Peru.

Commerce is a profession in general not less honourable than profitable, and is at present divided into that by land and by sea, in gros and by retail, for which every country furnishes something peculiar to itself; as the various states, or even the different provinces of them, have neither one sun nor climate equally suited to all sorts of natural productions; besides, the diversity of men's genius, and humours in general, and of nations in particular, influences their application to some sorts of works and employs rather than to others; so that a mutual communication becomes necessary by the intervention of *commerce*, that what is wanting to some may, by this means, be supplied by others; and it is of no small consequence to those who embrace the mercantile professions, to inform themselves exactly of what is to be found among their neighbours, as well as to make themselves perfectly well acquainted with the product and manufactures of their own country.

COMMISSION of bankrupts. Where any person is become a bankrupt within any of the statutes against bankrupts, on security given to prove the party a bankrupt, &c. this *commission* issues from the lord chancellor to certain commissioners appointed to take order with the bankrupt's lands and goods for the satisfaction of the creditors. *Stat. 34 Hen. VIII. 13 Eliz. cap. 7. 1 Jac. I. See BANKRUPTCY.*

COMMISSIONER, is he that hath commission, as letters patent, or other lawful warrant, to execute any public office.

COMMISSIONERS of the customs, to be appointed in every port. *1 Jac. II. c. 4. s. 11.*

The customs may be put under one or more commissions. *9 Geo. I. c. 21. s. 1. See CUSTOMS.*

COMMITTEE, is he or they to whom the consideration, or ordering of any matter, is referred, either by some court, or consent of parties to whom it belongeth. As in parliament, a bill being read, is either consented unto and passed, or denied, or neither, but referred to the consideration of some discreet men appointed by the house farther to examine it, who, thereupon, are called *committees*.

COMMODORE of a fleet, is a senior captain, who is distinguished, when he commands a fleet, by wearing a broad pendant at the main top-mast head, and is the next officer in rank and command to a rear-admiral.

COMMON, in law, signifies that soil whereof the use is common to this or that town or lordship; or it is a profit that a man has in the land of another person, usually in common with others; or a right which a person hath to put his cattle to pasture into ground that is not his own: thus we say *common of pasture*, *turbary*, *fishing*, *estovers*, and the like.

COMMON-WEAL, is understood in our law, to be *bonum publicum*, and is a thing much favoured; and therefore the law doth tolerate many things to be done for common good, which otherwise might not be done: and hence it is, that monopolies are void in law; and that bonds and covenants to restrain free trade, tillage, or the like, are adjudged void. *11 Co. Rep. 50. Plowd. 25. Shep. Epit. 270.*

COMPAN, a silver money, current in several parts of India, particularly at Patane; it is worth about nine pils, French money, though it rises and falls; and is near the same in value and alloy with the maimoudi of Cambaye.

COMPANY, in commerce, an association of several merchants and others, who unite in one common interest, and contribute by their stock, their counsel, and study, to the setting on foot, or supporting, some lucrative establishment.

The trade of Great-Britain with foreign nations is carried on, partly by companies, and partly by private merchants. The most considerable *companies* are the nine following:

1. The most ancient trading *company*, in Britain, is that which goes now by the name of the *Hamburg-company*. They were originally called merchants of the staple, and afterwards merchants adventurers. They were first incor-

porated in the reign of king Edward the First, *anno* 1296, and obtained leave of John, duke of Brabant, to make Antwerp their staple or mart, where the woollen manufactures, at that time, flourished. The staple was afterwards removed to Calais, and from that to other places: and, in the reign of queen Elizabeth, to Hamburg, where it still continues. But private merchants are now allowed the privilege of this trade, upon paying a very small sum to the company.

2. The company next incorporated was that of the Russia merchants, in the reign of queen Mary, who were empowered to trade to all lands, ports, and places in the dominions of the emperor of Russia. This company is not very considerable at present; the trade to these places being mostly carried on by private merchants, who are allowed that privilege, on paying five shillings sterling.

3. The next is the *Eastland-company*, formerly called merchants of Elbing, a town in Polish Prussia, being the port they principally resorted to, in the infancy of their trade. They were incorporated in the 21st year of the reign of Elizabeth, and empowered to trade to all places within the Sound, except Narva, the only Russian port at that time in the Baltic. This company, like the former, is now inconsiderable, the trade to Norway and Sweden being laid open to the private merchants by act of parliament.

4. The *Turkey*, or *Levant-company*, was also erected in the reign of queen Elizabeth, and their privileges confirmed and enlarged in the reign of king James the First, being empowered to trade to the Levant, or eastern part of the Mediterranean; particularly to Smyrna, Aleppo, Constantinople, Cyprus, Grand Cairo, Alexandria, &c. This trade is also now laid open to private merchants, upon paying a small consideration.

5. The *East-India company* comes next, which was incorporated about the 42d of queen Elizabeth, *anno* 1600, and empowered to trade to all countries to the eastward of the Cape of Good-Hope, exclusive of all others. But about the year 1698, application being made to the parliament by private merchants, for laying this trade open, an act passed empowering every subject of England, upon raising a sum of money for the supply of the government, to trade to those parts. Upon which a great many subscribed, and were called the *New East-India company*. But, the *old company* being masters of all the forts on the coast of India, the *new company* found it their interest to unite with them, and trade with one joint-stock, and have ever since been stiled the united *East-India company*. The most considerable forts, factories, and places of trade, wherein this company are concerned, are these following, viz. Mocha or Moco, Aden, Maculla, Shahare, Dofar, Muscat, in Arabia-Felix; Baffora, Ipahan, Gombroon, in Persia; Cambaye, Amadabad, Baroch, Swalley, Surat, upon the south-west coast of the great Mogul's empire; Bombay, Dabul, Carwar, on the coast of Decan; Tellechery, Calcut, Anjengo, on the coast of Malabar; Fort St. David, Conymere, Fort St. George, on the coast of Coromandel; Masulapatan, Vizzagapatan, Ballafore, Fort William, Hugly, Cassimbazar, Dacca, Malda, in the bay of Bengal, and mouth of the river Ganges; Achin, Bantal, Cattoun, Ippo, Marlborough Fort, Sillebar, in the island of Sumatra; Canton, Amoy, Chufan, in China.

6. The *royal African-company* was incorporated the 14th of Charles II. and empowered to trade from Sallee in South Barbary to the Cape of Good-Hope, and to erect forts and factories on the western coast of Africa for that purpose. But this trade was laid open by act of parliament, *anno* 1697, and every private merchant permitted to trade thither, upon paying the sum of ten pounds towards maintaining the forts and garrisons. The company, for securing their commerce, erected several forts and factories on the coast; the most remarkable whereof are these, viz. on the north part of Guinea, James Fort upon an island in the river Gambia, Serra de Leon, and Sherbro; and on the south part of Guinea, viz. on the gold coast, Dick's Cave, Succunde, Commenda, Cape Coast-Castle, Fort-Royal, Queen Ann's Point, Charles-Fort, Annamabo, Winebah, Shidoe, and Acra.

7. The *Canary-company* was also incorporated in the reign of king Charles II. *anno* 1664, and empowered to trade to the seven islands, anciently called the Fortunate,

and now the Canary Islands. This company still retains their privilege.

8. *Hudson's-Bay company*, is of pretty old standing, and trades to Hudson's-Bay (from which the company takes their name) and the places adjacent. They make a very advantageous trade by exporting woollen goods, haberdashery-wares, knives, hatchets, arms, and other hardware; and, in return, they bring back skins, beaver, and furs.

9. The last, and one of the most considerable of all the trading companies, is that of the South-Sea, established by act of parliament in the 9th of queen Anne, and vested in the sole trade to and from all lands and kingdoms on the east side of America, from the river Orinoko to the southernmost part of Terra del Fuego, and from thence to the northernmost part of America on the west side.

COMPARISON of some coins. See PAR of monies.

COMPASS, in navigation, an instrument whereby the ship's course is determined.

This instrument, which is a representation of the horizon, is a circle divided into thirty-two equal parts, by right lines drawn from the center to the circumference, called points, or rumbs, being also divided into three hundred and sixty equal parts or degrees, and consequently the distance between, or angle formed by, any two rumbs, is equal to eleven degrees fifteen minutes. The four principal of these rumbs are called the cardinal points, and take their names from the places to which they tend, viz. that which extends itself under the meridian, pointing towards the north, is called north; and its opposite one, pointing towards the south, is called south; that which is towards the right-hand, the face being directed north, is termed east, and its opposite one west. The names of the others are compounded of those, according to their situation. On the backside of the north and south points, is fastened a needle, which being touched with a magnet, or load-stone, is endued with a certain virtue, whereby the north and south points are nearly directed towards the north and south points of the horizon; and is, therefore, of the greatest use in determining the ship's course, and alteration of the winds.

In the center of this card is fitted a brass cone, or cap, a little concave, which, being placed upon a pivot fixed perpendicularly in the middle of the box, plays at liberty on the pivot; the top of the box is covered with a glass, that the motions of the card may be observed: the whole is inclosed in another box, where it is sustained by brass hoops, to keep it always in a horizontal position.

The invention of this instrument, by some, is attributed to one John Goia, of Amalphi in Campania, in the kingdom of Naples; who made the card thereof to consist only of eight points, viz. the four cardinal, and four collateral ones. Others say it was the invention of the people of China; and Gilbert, in *libro de Magnete*, affirms Paulus Venetus brought it first into Italy, in the year 1260, having learned it from the Chinese. And Ludi Verto-manus affirms, that when he was in the East-Indies, about the year 1500, he saw a pilot of a ship direct his course by a compass, fastened and framed like those now commonly used.

And Mr. Barlow, in his *Navigator's Supply*, *anno* 1497, says, that, in a personal conference with two East-Indians, they affirmed, that, instead of our compass, they use a magnetic needle of six inches and longer, upon a pin in a dish of white China earth, filled with water; in the bottom whereof they have two cross-lines for the principal winds, the rest of their divisions being left to the skill of their pilots.

COMPOSITION, in commerce, a contract between an insolvent debtor and his creditors; whereby the latter agree to accept of part of the debt for the whole, and give a general acquittance accordingly.

COMPOUND arbitrations. See ARBITRATIONS.

COMPROMISE. We usually say *compromise* is a mutual promise of two or more parties at difference, to refer the ending of their controversies to the arbitrament and equity of one or more arbitrators. *West. Par. 2. Symb. tit.*

Compromise, or submission, is a faculty or power of pronouncing sentence between parties at controversy, given to arbitrators by the parties mutual private consent, without public authority.

CONDERS, are such as stand upon high places near the sea-coasts, at the time of herring-fishing, to make signs with boughs, &c. in their hands unto the fishers, which way the shoal of herrings passeth; for this appears better to such as stand upon some high cliff on the shore, by a kind of blue colour that the said fish caufeth in the water, than to those that are in the ships.

These are otherwise called hewers, (probably from the French *huyer*, *exclamare*;) and balkers, directors, and guiders, as appeareth by the statute 1 Jac. c. 23.

CONDORIN, a sort of small weight, which the Chinese, especially those of Canton, use for weighing the silver received and paid in trade; it is worth about three farthings sterling, ten of them making one mace, and ten mace one talc, or tael.

CONDURI, in Malayan, or *loga* in the Javan language, is a scarlet bean with a black spot on its side, which those two people use for weighing gold and silver.

CONY-WOOL-CUTTER. This is a very profitable business to the master, though it requires no extraordinary genius; but he ought to be versed in accounts, and have at least three or four hundred pounds to begin trade for himself, which is the more necessary as there is business for few journeymen. The *coney-wool-cutter* buys not only rabbit skins, but the furs of beavers, &c. And employs women first to pluck off the long straggling hairs, and then to cut off the fine wool that grows underneath; which is done with such dexterity, that the wool of every rabbit adheres together as if it was still joined to the skin. They in the same manner cut off the fur of beavers, &c. The fine wool or fur of these beasts is sold in sacks to the hatters, at so much a pound, for making hats. The masters take from twenty to forty pounds with an apprentice.

CONGO. See **AFRICAN COASTS**.

CONFECTION, in pharmacy, signifies, in general, any thing prepared with sugar; in particular, it imports something preserved, especially dry substances, and is otherwise called a solid *confection*; this is either simple or compound, called also medicinal. Solid, saccharine, simple *confections* are prepared after the following manner.

The sugar, being first well clarified with pure water and the white of an egg, is boiled to a consistence a little thicker than that of a syrup. Then the thing which is to be preserved, or incruited with sugar, for instance, cinnamon, almonds, aniseeds, and the like, are put into a large copper vessel, flat-bottomed, not deep; which is placed upon a very gentle fire; and when it is moderately heated, together with its contents, the artist sprinkles some of the liquid sugar, somewhat warm, upon the things in the vessel, just enough to moisten them, and immediately stirs them to and fro, shakes them, rubs them in his hands, and tosses the vessel after an artificial manner, in order to prevent the seeds, or whatever else it be, from clustering or sticking together. Then they are to be dried altogether by a gentle coal-fire under the vessel. After this, as much dissolved sugar is to be added to the thing as is sufficient to moisten it moderately; and continuing the agitation, commotion, and rubbing with the hands, it is to be dried. This operation is to be repeated, moistening and drying the materials by turns, till they are sufficiently covered with sugar.

Confectioners add starch to the dissolved sugar, by which means they not only dry them sooner, but also render them sufficiently large, at a less expence than otherwise they could be.

Helmont condemns all the *confections* of the shops, not only as trifling, but also pernicious medicines. Etmuller is of the same opinion, and affirms that *confections* are prejudicial to most patients, especially hypochondriac ones.

Confection also signifies a liquid or soft electuary. And there are various sorts of *confections* directed in dispensaries.

CONFECTIONER. This is a very slavish and unwholesome business; and therefore the boy who is put apprentice to it ought to have a strong constitution; for the working part is not only fatiguing, but performed in close places, and much of it by ovens, and over charcoal-fires. It also requires much ingenuity; for the *confectioner* builds walls, castles, and pyramids of sweet-meats, and arranges them in a thousand different forms. One of this business

takes with an apprentice from twenty to forty pounds. The journeymen, who work at the business, earn from fifteen to eighteen shillings a week; a shopman has twenty pounds a year, and his board; and about three hundred pounds will set him up.

CONFECTS, a name given to fruits, flowers, herbs, roots, &c. when boiled or prepared with sugar or honey, to dispose them to keep, or render them more agreeable to the taste.

CONNAUGHT, a province in Ireland, is separated from the province of Leinster on the east by the Shannon, which also parts it from Munster on the south and south-east; has the province of Ulster, and a part of the western ocean, on the north and north-east; and the main ocean on the west. It is three hundred and thirty miles in length, from Cape Leon, the most south point of Thomond, to the north parts of Leitrim; about eighty-four in breadth, from the east point of Leitrim to Black-Harbour in the west part of Mayo; and about five hundred in circumference, containing, according to Mr. Templeman, an area of 6072 square miles.

In some places it is verdant and agreeable, in others gloomy and dangerous, being pretty thick set with bogs and woods, and the air not so clear as elsewhere, by reason of the vapours and foggy mists. The soil is fruitful enough, and abounds with cattle, deer, hawks, and honey. It has many convenient bays and creeks for navigation, but few rivers of considerable note besides the Shannon. The chief are, 1. May, in the county of Mayo, which, for a little way, divides it from Sligo, and falls into the ocean by Mayo and Killala. 2. The Suc, divides Roscommon into Gallway, and falls into the Shannon near Clonfert. 3. The Drofos, a river in the county of Thomond, which falls into the Shannon east of Clare; and, 4. Gyll, a small river in Gallway, which runs into the bay of that name.

Gallway, the county, has a part of Roscommon, King's county, and Tipperary (from which last it is parted by the Shannon) on the east and south-east; the main ocean on the west; Mayo, Meath, and Roscommon, on the north and north-east; and Thomond on the south: it being much of a warm, lime-stone soil, which rewards the industry both of the husbandman and the shepherd, it abounds in general with corn, pasture, and cattle.

Gallway, the county-town, stands on an island, by the fall of the Lake Corbes, or Lough Corrib, into the bay of its own name. It is a very strong, neat, rich city, the capital of all the west part of Ireland, and the third, if not the second, city of the kingdom; nor is it inferior to any of the rest in wealth, it being so well seated for commerce, not only to France and Spain, but to the West-Indies, on a large, safe, and delicate harbour, called the bay of Gallway, capable of a vast fleet of ships, that it has been esteemed as the fittest place for a general trade in all the kingdom. The buildings, especially the public structures, are generally of stone, handsome and lofty, built almost round, in form of towers, and inhabited by a set of substantial merchants and shopkeepers as most cities in the three kingdoms, in proportion to its magnitude; and the merchants in general here have a considerable share of commerce to most of the trading parts of Europe. The harbour, indeed, lies a little way off from the city, so that the goods are delivered by lighters; but it is so small a distance that it is no obstruction to the commerce.

Gallway-bay, which runs above thirty miles up the country, has innumerable harbours and roads on every side, and is one of the noblest entrances in the world, were there, say some, a suitable conflux of ships and trading towns; but there does not seem any great occasion for more than what belongs to Gallway itself. It is sheltered at the mouth by the south isles of Arran, through which there are three passages for ships, besides the north passage at the mouth of the bay. In the season, here is a very considerable herring-fishery.

Among its many harbours is that particularly called *Batter-bay*, as fine a harbour as most in Europe for its extent. It is four miles in length, is narrow, but has a very safe entrance. It is a mile, in some places two miles broad, a deep channel, ten or twelve fathom water, and not less than five fathoms to the shore on both sides. It has good anchorage, without any rock or shoal; but here are no

TOWNS,

towns; no ships, no trade, which is the fate of all this coast.

Mayo county has a sea upon the west and north; is bounded on the south and south-east by the county of Gallway; by Roscommon on the east; and on the north east by Sligo. It is mountainous and rough on the sides next the sea, but in other parts has pasturage, and it is well stocked with cattle, deer, hawks, and honey, and watered with many large and diverting lakes and rivers.

In the north-west corner of the county there is a fort of peninsula, joined to the main-land by a narrow isthmus, on the north side, whereof lies Broad-haven, which is a bay with a good harbour. About seven miles across the bay lie two islands, safe against winds, but not frequented, except when ships are forced in by a tempest. There is a good salmon-fishery in a river which falls into a bay north of these islands.

Roscommon county has Mayo and Gallway, with the river Suir between them, on the west; King's county, and part of Gallway, on the south and south-east; Sligo and Leitrim on the north and north-east; and Longford, East-Meath, and part of King's county, on the east, together with part of Leitrim, from which it is separated by the Shannon. This county is for the most part a champaign and fruitful country, which, with little cultivation, yields plenty of corn, grass, and is well stocked with cattle.

Sligo, or *Sligo* county, lies full upon the sea to the north and north-west, where it is also bounded by the river Trobis, which springs from the Lough-Erra in Ulster. It has Mayo on the west; part of that county, and Roscommon, on the south; and the county of Leitrim on the east. It is divided from the two last-mentioned counties by the Curlew-mountains, and the river Suir. Great part of this county is mountainous and boggy; but its lower grounds and bottoms have a good soil, both for the ploughman and the grazier.

Sligo town is a borough, or market-town, and the only town of note in the county. It has a very commodious harbour, and ships of two hundred tons may come up to the town-key. The town is populous, but not large; nor is the trade here considerable, though much better than many of the other places beyond it.

Leitrim county has Sligo, and part of Roscommon, on the west and south-west; Donnegal-bay on the north; Longford and Leinster on the south-east; and the counties of Fermanagh and Cavan, in Ulster, on the east and north-east. It is a wild mountainous country, and full of rank grass, which feeds an infinite number of cattle; and Camden, even in his time, says above 120,000 have been grazing in this narrow county at one time; and, since, their number is said to have greatly increased.

CONODIS, a small coin used at Goa, and in all the kingdom of Cochin.

CONSERVE, in pharmacy, a medicine of the consistence of a pulp, or an electuary prepared of flowers, &c. bruised in a mortar, and mixed with sugar.

CONSIDERATION, is the material cause of a contract, without which it would not be effectual or binding. This consideration is either express, as if a man bargain to give twenty shillings for a horse, or else implied, as when the law itself enforceth a consideration; as if a man come into a common inn, and there staying some time, taking both meat and lodging for himself and his horse, the law presumeth that he intends to pay for both, though nothing be farther covenanted between him and his host; and therefore if he discharge not the house, the host may stay his horse. *Tulbeck's Parallels of Trade and Contract. fol. 6.* Also there is a consideration of nature and blood, and valuable consideration: and therefore if a man be indebted to divers others, and yet in consideration of natural affection, gives all his goods to his son or cousin, this shall be construed a fraudulent gift, within the act of 13 Eliz. c. 5. because this act intends a valuable consideration. *Cowell. edit. 1727.*

A consideration is necessary to create a debt, otherwise it is nudum pactum. *Fenk. 290. in pl. 27.*

Where debt is brought for money due, without any circumstance of forbearance of suit by the plaintiff for a time, a particular consideration ought to be shewn in the declaration. *Fenk. 292. pl. 37.*

A bond implies a consideration in itself, and therefore it

was held by the court, that a man was not bound to discover what was the consideration. *Hard. 200. Trin. 13 Car. II.* in the exchequer, *Turner v. Binion.*

Bargain and sale, proviso you pay to me at a future day one hundred pounds. This, though set down in form of a condition, is as effectual as if formally expressed in the usual terms. *Arg. La. 6. pl. 10 Mich. 25 and 26 Eliz. B. R. in case of Stonely v. Bracebridge.*

CONSIGN, is a word used by merchants, where goods are assigned, or sent or delivered to a factor.

CONSTANTINOPLE. This city, formerly the second Rome, or rather the true capital of the Roman empire, when Constantine the Great had chosen it for his residence, after having been for a long time the seat of the Greek emperors, and a little more than half an age that of the Latins, became at last the metropolis of the Turkish.

The happy situation of this great city, joined to the beauty and security of its port, might render it a place of the greatest trade in the world, if the inhabitants, who are subject to a servitude that almost deprives them of the property of their effects, dared to think of enriching themselves by commerce; and if the foreigners that trade draws here, and who are treated with less haughtiness and severity, were not exposed to so great and frequent insults and impositions.

Notwithstanding these reasons, so naturally tending to raise a disrelish in the Christian nations to a commerce with Constantinople, there is, however, a great number of their ships seen to arrive here; and there is hardly one of these nations who have not a minister settled here, more to protect their merchants, than for any political interests; the emperor and the Venetians being those only who can have any contest with the Port, by reason of the proximity of their territories.

Of the Europeans, the English, French, and Dutch, are those who carry on the greatest trade here, more particularly with their cloths, sent here directly, or brought from their warehouses at Smyrna, which are always well filled. The cloths from Venice have, for a long time, had the preference in this city, though every where else in the Levant, they are the least esteemed.

Those destined for Constantinople should be thin and fine, well milled, close shorn, without any nap; above all, they must be of the best dye, and have their just lengths and breadths.

The properest colours for Constantinople are violet, purple, green, red, crimson, scarlet, sky-blue, flesh and cinnamon-colours; no black, except of the greatest beauty, and then only one piece in forty or fifty. About eight or nine thousand pieces are sold here yearly, one-fourth Dutch, little more than one-third English, and the rest French and Venetian; a few perpetuanas, and some other woollens are sold here: but of silks, great quantities from France and Italy, and a small matter from England and Holland; the chief are the satins from Florence, tabbies, damasks with and without golden flowers; flowered brocades, with gold and silver grounds from Venice; and flowered velvets from Genoa; but although these stuffs preserve the name of their original fabricks, some of them are now made at London and Amsterdam, and many of them at Lyons and Tours, which are however sold to the Turkish taylors, and Armenian merchants, for true Venetian and Genoese goods.

The sale of satins amounts yearly to between five and six hundred pieces; of tabbies to three or four hundred; of damasks without gold, only sixty pieces, and with, an hundred pieces, and hardly more velvets; but brocades with gold and silver flowers find the greatest vent, though these must be made on purpose, with patterns proper for the place; for it is not the richness of the stuff that pleases the Turks, but chiefly the gaiety, and above all, the cheapness.

Paper is one of the best commodities carried to Constantinople, and what frequently produces the most profit; it goes there from France and Venice, and Genoa, though principally from the first, in all about thirty thousand reams; the other merchandizes are, hardware, tin, brass, and iron wire, which the English and Dutch carry from Hamburgh, and the Baltick; gold thread, and ditto gold and silver false, from Poland, carried by the Venetians, Marseilles,

Marseilles, and Tunisian caps; verdigrease from Montpellier, oil of spike from Marseilles, tartar, fuggars supplied by the English and Dutch when the crop has failed in Egypt, which commonly furnishes *Constantinople*, by the way of Alexandria; and in fine spices, camphire, quicksilver, lead, cochineal, Brazil wood, white lead, &c. in which those two nations are almost solely concerned.

The exports from *Constantinople* are very few in comparison with the imports; therefore, to balance accounts, the European merchants direct their correspondents at Smyrna or Aleppo, to draw on the capital, or order remittances to be made them in specie from the said metropolis, to purchase what they commission to be bought for their ships reloading, at either or both of the said places.

The few merchandizes mentioned to be exported from *Constantinople* consist in wools, called pelades, and trefquilles, of which the extract in a common year is two thousand bales of the former, and three thousand of the latter. Of buffaloes hides, about ten thousand carried to France and Italy; of ox and-cow skins, of the different sorts and qualities, fifty thousand, of which the consumption is for Italy; or pot-ashes, from the Black-Sea, which the English and Dutch buy to scour their cloths; yellow wax, some goats-hair thread, a quantity of caviar, or salted sturgeons roes, commonly bought up by the Venetians and Leghorners.

The fur-trade from Muscovy, Natolia, the Black-Sea, Crim, and other places of Tartary, is very considerable; though in this the European merchants have no share, being entirely transacted by the Greeks. Of these skins about two hundred chests (with two hundred pair in each) of fables are yearly sold, from fifteen hundred to twenty-five hundred dollars *per* chest; ermines (only esteemed when extremely white) sell from ten to eleven dollars, for forty skins; and minevers at seventy dollars *per* thousand; martins, pole-cats, lynxes, and fox-skins, are brought here from Natolia, and annually sell for the value of about sixty thousand dollars; the black fox-skins brought from Caffa and Tartary are in very great esteem, and their sales may yearly import a hundred thousand dollars.

CONSUL, a modern title given by sovereign princes and states to officers appointed by virtue of commissions from them, in a more especial manner to attend to the commercial interests of the prince or state from whom they receive their commissions, in all foreign ports and cities of great commerce, where they are appointed to reside, and to protect the subjects of their nations.

Of the many institutions for the benefit of foreign commerce, this is esteemed, by all authors on the subject, one of the most important. The office of *consul* is founded in the law of nations, but the person and character of *consul* is not comprized strictly therein: it will be necessary, therefore, precisely to distinguish the privileges personally annexed to the character, before we enter into the detail of his functions; for many fatal errors have arisen in the conduct of these officers, either from presuming too far on the dignity and privileges of their office; or from the contrary extreme, a false timidity, in not maintaining inviolable, with the just rights of the nation they represent, a due respect for their personal character.

The very extensive privileges and jurisdiction of the French *consuls*, having been the occasion of confounding the nature of their office with that of the British *consuls*, we shall endeavour clearly to point out the difference from a concise view of both.

BRITISH CONSULS are appointed by the king, and, by virtue of their commission, are allowed a power of deputation, and the officers appointed by them, in consequence of this authority, are styled *vice-consuls*; these derive from their deputation every privilege granted to the *consul*, and therefore it will not be necessary to make any distinction between them, their personal character and office being, in all respects, equal, except we remark, that the *consul* has a power, and does frequently appoint his deputy or deputies, in many extensive departments, without the cognizance or interposition of the king or government from whom he received his commission, and in such cases the *vice-consuls* are accountable for their conduct solely to the *consul* by whom they are deputed, and who is responsible for their behaviour; but in all cases where it can be conveniently done, the *consul* ought to present his deputy, or *vice-consul*, to the king,

or his secretaries of state, for their approbation, as the *vice-consul* by this means becomes a principal, corresponds regularly with the secretary's office, receives his instructions from thence, and is accountable for his conduct there, and not to the *consul*, who is thereby indemnified, especially where his own residence is occasionally or totally dispensed with.

The right of establishing *consuls* in great commercial cities and maritime ports, depends wholly on the treaties of commerce made and concluded with the governments where such establishments take place. Without this foundation there can be no right of sending *consuls*; for which reason every important circumstance relative to the privileges to be accorded to this officer, and to the subjects of his nation, is stipulated in the treaty of commerce itself.

Where no treaty of commerce actually subsists, a *consul* can only be established in foreign countries by permission; and when this is the case, his privileges and those of the nation he serves will be ever precarious, and his conduct will require more circumspection and delicacy, than if his establishment was absolutely obligatory by a treaty of commerce.

The principal British consularships, established by absolute right, founded in treaties of commerce, are those of Lisbon, Oporto, and the independent vice-consularships of Madeira in and belonging to PORTUGAL.

Of Madrid, Alicant, Barcelona, Cadiz, Seville, and St. Lucar, in SPAIN.

Of Leghorn, Genoa, Messina, Naples, Nice, and Venice, in ITALY.

Of Tetuan, Algiers, Tripoly, and Tunis; in BARBARY.

Of RUSSIA, POLAND, DENMARK, and NORWAY.

In the treaties of commerce actually subsisting between Great-Britain and the several states where the British consularships, here set down, are established: the privileges to be inviolably maintained to the subjects of Great-Britain trading to, or residing therein, as also those of the *consuls*; are expressly stipulated, a few extracts from some of these treaties will suffice to point out these privileges, generally enjoyed by the British *consuls* in foreign parts, and the king's subjects residing under the protection of these officers: and it may be justly laid down as a rule, that the same privileges ought to be granted both to *consuls* and private subjects in all foreign ports, where they are settled by permission, that are usually stipulated in treaties of commerce; for the received custom ought to supply the want of treaties upon these occasions; and the prince or state who admits a *consul*, without express conditions, is supposed to receive him on the footing established by custom:

Au défaut des traités, la coutume doit servir de règle dans ces occasions; car celui qui reçoit un consul sans conditions expresses, est censé le recevoir sur le pied établi par l'usage. Droit des gens, tom. i. p. 480.

The British *consul* residing in any of the Spanish dominions shall be named by the British monarch, and shall use and exercise the full powers any consuls ever had: the goods and estates of the subjects of Great-Britain dying intestate in Spain shall be put into inventory, with their papers, writings, and books of account, by the *consul* or public minister, to be kept for the proprietors and creditors, and neither the crusada, nor any other judicatory whatsoever, shall intermeddle therein.—*Treaty of Madrid, 1667, art. 34. confirmed by Treaty of Madrid, 1750.*

The *consuls* nominated and appointed by the most renowned king of Great Britain, for the aid and protection of his subjects residing in the kingdoms and estates of the most renowned king of Portugal, shall fully and freely exercise the function and office of *consuls* in the said kingdoms and estates, though they do not profess the Romish religion. *Treaty of peace and commerce between Great-Britain and Portugal, 1641, art. 8.*

Art. 17. And whereas the rights of commerce and peace would be rendered fruitless, if the subjects of the most renowned king of Great-Britain were troubled for conscience sake, when they go to, come from, or remain in the kingdom and estates of the most renowned king of Portugal, on account of their commerce and other affairs, therefore the said king will provide and give orders, that

they be not molested or troubled for conscience sake; but that they shall enjoy as great liberty in the practice and exercise of their religion, within the kingdoms and estates of the king of Portugal, as shall be granted to the subjects of any other prince or republic whatever.

The subjects of the king of Great-Britain shall not be molested for either having or using English Bibles or other books, and they shall likewise have liberty to perform, profess, and exercise privately and within their own houses, as also on board their ships, within any of the said king of Portugal's dominions, their religion after their own way, without any molestation or hindrance whatsoever, and a decent place shall be assigned them for burying their dead, provided nevertheless that the people of Great-Britain do not exceed what is written in this article. *Treaty of Westminster, 1654, art. 14.*

If any of the people of Great-Britain shall happen to die in Portugal, his books, accounts, merchandizes, and goods, shall not be taken and seized by the judges of orphans and absent persons, nor by their ministers or officers, nor shall they be obnoxious to their jurisdiction, but they shall be delivered to their managers or procurators that are Englishmen residing in the same place, and who were nominated and appointed by the deceased; and if the deceased in his life-time has not appointed any, his goods, &c. shall be delivered, by the authority of the judge conservator, to two or more English merchants, chosen by the plurality of suffrages of the other merchants residing in that place, and approved by the English consul, after they have given sufficient security by good bails, that are to be approved of by the said consul, to restore the said goods, merchandizes, and accounts to the lawful owners, or their just creditors, and to deliver the goods that are known to have been the property of the deceased, to his heirs, executors, or creditors. Art. 8. of the same treaty.

If any dispute shall happen between the king's inspectors, officers, or ministers, about the goodness of fish or any other provisions whatever that shall be imported into Portugal, such controversy shall be decided by the arbitration of good and honest men, natives of Portugal, and lawfully chosen by the magistrates and the English consul. Art. 17. of the same treaty.

Treaty of commerce between England and Denmark, 1699. In this treaty, the same privileges for the subjects of England and the consuls are accorded as just recited in the treaty with Portugal.

Treaty of commerce, between Mahomet IV. sultan of the Turks, and Charles II. king of Great-Britain, anno 1675.

If any person within the extent of our dominions accuses any Englishman of having wronged him, and takes occasion from thence to proceed against him, *vi & armis*, or by partial witnesses, our ministers shall not hear them, nor admit their proofs; but the ambassador or consul of the English nation shall be informed thereof, to the end that the affair may be decided with his participation, and in his presence, and that the English may always have recourse to their support and protection. Art. 10.

All Englishmen, or subjects of the kingdom of England, who are slaves in any part of our dominions, or who shall be demanded by the ambassador or consul of the English nation, shall, after due examination of the fact, if they appear to be true subjects of England, be restored to liberty, and delivered up to the English ambassador or consul. Art. 12.

In all matters relating to law and justice between the English nation, and any other nation whatever, neither the judges, nor any other of our ministers, shall proceed or give sentence in the absence of their interpreters.

In case of any difference happening between themselves, the determination thereof shall be left intirely to their ambassador or consul, conformably to their rights and their laws, and our ministers shall take no cognizance of it. Art. 15 and 16.

When consuls, or residents, of the English nation are once established in any port of our dominions by the ambassador who shall reside there for the said nation, our ministers shall not have power to commit them to prison, nor

to seal up their houses, or to send them away, nor to dispossess of their office and functions: but, in case of any difference or law-suit with the consul, a certificate shall be drawn up, and addressed to the imperial court, to the end that the ambassador may protect him, and be answerable for him. Art. 25.

If any Englishman, or other person that comes with English colours, happen to die in our dominions, his goods and effects shall be consigned over to, and deposited in, the hands of such English person as the deceased shall appoint by his will to take care of them: and in case he die intestate, the English consul shall take care of his goods and effects, &c. Art. 26.

Articles of peace and commerce between George II. king of Great-Britain, and the king of Morocco, 1728.

The king of Great-Britain's subjects residing in Barbary shall not be obliged to appear before the cadi, or justices of the country; but only the governor of the place, and his Britannic majesty's consul are to take cognizance of, and adjust the differences they may have with the natives of the country. Art. 2.

The menial servants of his Britannic majesty's subjects, though natives of the country, either Moors or Jews, shall be exempt from taxes of all kinds. Art. 3.

The effects of English subjects, dying in our dominions, shall be disposed of according to their wills; and if they die intestate, shall be left in the possession of the British consul. Art. 13.

Articles of peace and commerce between Charles II. king of Great-Britain, and the regency of Algiers, 1682.

The English consul now, or at any time hereafter, residing at Algiers, shall be there at all times with intire freedom and safety of his person and estate, and shall be permitted to choose his own interpreter, and freely to go on board any ships in the road, as often and when he pleases, and to have the liberty of the country; and he shall be allowed a place to pray in, and no man shall do him any injury in word or deed. Art. 17.

Articles of peace and commerce between George I. king of Great-Britain, and the regency of Tunis, 1716.

The ships of Tunis are to have a certificate under the hand and seal of the British consul, that they belong to Tunis, and then shall be free from all molestation from English ships of war. Art. 3.

If an English ship shall receive goods and passengers on board belonging to Tunis, they shall be obliged to defend them against all their enemies; the manifest of the cargo having been first registered in the office of Cancellaria at Tunis, in the presence of the British consul, who is to certify the value and specie, &c. in the clearance given to the said ship at her departure. Art. 4.

All differences between British subjects shall be decided by the British consul only. Art. 8.

The said consul not to suffer slaves belonging to Tunis to make their escape on board of British ships, and if, after proper notice given to the consul to prevent it, it appears that any slave shall have so got away, the consul is to pay to his patron the price he gave for him in the market. Art. 14.

Articles of peace and commerce between Geo. I. king of Great-Britain, and the regency of Tripoly, 1716.

This treaty includes the same privileges for the British consul and British subjects already recited in other treaties, with this addition:

That the most serene king of Great-Britain's consul, residing at Tripoly, shall have liberty at all times, when he pleases, to put up his said serene majesty's flag on the top of his house, and there to continue it spread as long as he pleases; likewise the said consul to have the same liberty of putting up and spreading the said flag in his boat when he passes on the water, and no man whatever shall oppose, molest, disturb, or injure him therein, either by word or deed. Art. 22.

Having given extracts from the several treaties, of those articles in which the right of *consuls* may be said to consist, we shall now mention the sentiments of political writers on the reception they ought to meet with where no treaties subsist, and consequently where there can be no particular stipulations with them, their very establishment being merely permissive, and not *de jure*, as when founded on treaties.

Wicquefort, in his treatise on the Character and Functions of Ambassadors, &c. observes that *consuls* do not enjoy the protection of the law of nations, and that they are subject to the jurisdiction of the place where they reside, as well in civil as in criminal cases: but Mr. Vattel, in his excellent work, intitled, *The Law or Right of Nations*, after having confirmed the sentiment of Wicquefort, that *consuls* are not included expressly in the law of nations, adds these remarks, that they are certainly under the immediate protection of the sovereign who employs them, and are charged to take care of his interests; so that if they transgress against the laws of the country where they reside, the respect due to their sovereigns requires that they should be sent home to be punished: this at least, says he, is the custom of all civilized nations who wish to preserve a good understanding with each other. The same author adds, there is a more particular protection due to them than to any other strangers, or even the inhabitants of the place, and a decent respect, in consideration of the sovereigns they serve.

Accordingly we find several examples in history, where the contrary conduct has been warmly reformed, and has been taken up nearly in the same point of view as if *consuls* were really intitled to the law of nations.

If therefore they are not to be considered as public ministers, yet they approach so nearly, that the difference seems to lie more in the *etiquette des cours*, than in the absolute disparity of their functions.

Accordingly, we find the States-General of the United-Provinces, whose *consul* had been affronted and arrested by the governor of Cadiz, complained of it to the court of Madrid, as a violation of the law of nations. Wicquefort, *lib. I. sect. 5*. In the year 1634, the republic of Venice was on the point of proceeding to an open rupture with pope Urban VIII. on account of the violence committed by the governor of Ancona against the *consul* from the republic. The case was thus: the governor had prosecuted the *consul*, whom he suspected of having given advice prejudicial to the commerce of Ancona; he afterwards seized his papers and furniture, cited him before their tribunal, and condemned and banished him, under pretence, that he had caused merchandize to be landed in a time of contagion, contrary to express prohibitions.

The same governor committed his successor to prison: the senate of Venice demanded satisfaction with great warmth, and by the mediation of the ministry of France, the pope saw himself obliged to order the governor of Ancona to make ample reparation, to the entire satisfaction of the republic. Vattel, *lib. II. sect. 34*. It may not be improper here to remark, that the case above recited supposes that the *consul* gave his advice pursuant to the functions of his office; and that a nice distinction must be formed between such acts and those of a private and personal nature, which no way respect the consular office. Thus for instance; if *consuls* will take upon them to act as merchants and factors, and in consequence contract debts, it would be ridiculous to suppose they cannot be punished but by the sovereign who employs them: on the contrary, an arrest in this case is no affront to the prince or state they serve; and they are liable to all the pains and penalties of the common law of the country, as these private transactions do not in any shape partake of, or relate to the objects of his public charge: but these cases excepted, we must be of opinion with Vattel, and other writers, that *consuls*, so far as it respects their public capacity, are exempt from the ordinary jurisdiction of the places where they reside; and, consequently, that they ought not to answer any citation or summons to appear before any judicial power, or any court of justice in the place of their residence, when such summons or citation respects their public character; the respect due to the sovereigns or states by whom they are employed requiring that the magistrates, or other officers of justice, should

send a written or verbal message, informing the *consuls* of the reason of their desiring his appearance; and if they have any cause of complaint against him in the execution of his office, the same should be left with him in writing; to which he ought to answer by memorial in writing: and in case the affair cannot be adjusted in this manner, the magistrates or other officers of the place are to apply to the British minister at the court of their sovereign for redress; and in case there is no British minister resident within the same department, the sovereign or state is to obtain satisfaction by an order to their ambassador at London, who is to apply for the recall of the *consul*, or such other satisfaction as the case shall require.

If on the contrary, British *consuls* have any complaint against the governors of the place of their residence, they are in the first place to present their complaint by memorial in writing, under their hands and seals to the said governors, and, on refusal of redress, they are to send copies of the same, with a proper memorial, to the British minister in the same department; but if there is no minister, then to the secretary of state at London, always observing that this conduct is only to respect the king's business; and that if they are concerned in trade, or any other personal transactions, not immediately relative to their office, they are to submit to the ordinary course of justice in the country, and are to answer all summons, citations, &c. the same as any other private stranger or citizen of the place.

British *consuls* are not exempted from the duties on importation and exportation; but it is customary, on their establishment, to grant them an exemption from the duties of importation on their household furniture, wearing-apparel, and other necessities: and they are absolutely exempt from all internal impositions or petty duties on consumption, imposed within the place of their residence by the magistracy of these places, and commonly known in foreign countries by the name of town duties, it being unreasonable to lay a tax on a stranger residing in a place in a public character; for making roads, erecting edifices, or other public works, which are for the sole benefit of the inhabitants of the country: they are also exempt from the quartering of soldiers or officers of the army in their houses, when all other inhabitants are ordered to receive them.

The respect due to British *consuls* from the subjects of Great-Britain, trading or residing in the place of his residence, requires that they should lay before him, from time to time, an exact state of the British commerce within his department; that they consult with him on all occasions when any thing arises in the administration of the country to impede or obstruct the said commerce; that they should advise with him on the proper measures to retrieve any branches of commerce that are lost, or on the decline; and that they should call him to arbitrations, and all other decisions of right, between the subjects of Great-Britain, and the inhabitants of that country; that they should be ready to attest all acts, certificates, and representations on affairs relative to the commerce, and to the private concerns of Great-Britain, there being a variety of cases where certificates are required under the hand, and seals of the *consuls*, and of two or more merchants, or creditable British subjects residing in foreign countries: such for instance are certificates for the custom-house, of rum, or any other merchandize, being landed in a foreign port, where a bond has been given for the due exportation of the same, &c.

British merchants, residing in any foreign ports, where British *consuls* are established, are likewise to instruct all masters of British vessels in their duty to the said *consuls*, which consists in making a faithful report on their arrival of their cargo, of the port from whence they sailed, with a full and particular description of their ships; and their crews, whom the said masters are to instruct in a due obedience to the *consuls* orders; who is to be considered as a civil magistrate appointed to protect them, during the time they lie in the port, from all insult and injury, on the part of the inhabitants; and to take care that they keep the peace, and conform themselves to the laws and customs of the country, as far as is required from strangers: masters of ships are likewise to hoist their colours on all occasions when required by the *consul*, and to produce their passports

for his inspection, and signature, if necessary; and in order to prevent disobedience of the *consuls* orders, either in matters of mariners, the *consuls* are generally provided with a standing order from the government of the country to the magistracy; or, in case there is a garrison, to the governor, to assist him with the civil or military force of the place of his residence, in the execution of his office.

Before we quit this part of the subject, it may not be improper to drop a hint relative to the conduct of British travellers of all ranks, when not invested with a public character.

It is a common error with the English to imagine, that if they have but money to pay their way, they may run through the world with very little ceremony, and without attending to the little formalities and civilities which foreigners without distinction are peculiarly attentive to.

A foreigner no sooner arrives in any place, where he is to stay only a single night, but he inquires if any person of his nation resides there in any public character, and in that case, he immediately either waits on him, or sends his name and quality, dated from his inn or lodging.

Though this is properly a respect due to every person residing in a foreign country in a public character, from the subjects of his nation passing through the place of his residence; yet if this be too humiliating for some of our self-conceited gentry, we shall place it in another point of view, in which foreigners consider it.

They say that no person in a public character is supposed to have any knowledge, or to take notice of any one of their own nation, unless he thinks proper to make himself known to him, by paying him the compliment of waiting on him at his arrival, or of sending his name and quality; and as it often happens, that through ignorance of the customs of a place, strangers fall into little difficulties from which they seldom extricate themselves, without much trouble and expence, they then, by making themselves known to their countryman, residing in a public character, have a right to claim his protection and assistance, and they imagine that his influence must often have great weight, and be essentially serviceable, as it is certain, that if he is on a good footing with the government of the place, his interposition cannot but be respected.

It is a great pity, for their own sakes, that Englishmen will not give attention to these points; those who have travelled, are generally fully convinced of the necessity of this conduct; and I have observed, being seated in a place of considerable passage, that few have omitted it who returned home from foreign countries; while those who come from England neglected it almost to a man. I shall add one case, as it happened to illustrate the force of this remark. Some English gentlemen arrived at a place where there was a considerable garrison, and a *consul* resident: in the evening, having drank pretty freely, and having no idea of any government less free and happy than that of their own country, when they were required, as is usual in the garrisoned towns, they wrote a number of ludicrous names, which could not possibly pass for the names of any persons whatever: the landlord in vain remonstrated the consequences, which was imprisonment. After being publicly conducted there by a file of soldiers, whom they foolishly thought they could bribe; which attempt only added to the insult, the *consul* interceded, and obtained their release the next day, on being informed of the affair by their landlord, who, before it happened, had desired them, without effect, to permit him to carry the names they had wrote down to the *consul*, before they were sent to the governor. Had these gentlemen thought proper on their arrival to have sent their real names to the *consul*, or to have waited on him, this disgrace might have been prevented.

A nobleman, or person of very distinguished rank, may be assured the *consul* will not fail of paying his respects to him as soon as he hears of his arrival; but no private gentleman has any right to expect this civility, because it is impossible for the *consul* to know who or what he is.

It now follows in order that I should explain the several functions and duties of British *consuls*, in which I shall aim at perspicuity and exactness, desiring if any error shall be found in this article, by any who have the honour with me to serve his majesty in that capacity, or who are

well acquainted with the nature of the office, candidly to set me right; and whatever remark I may receive shall be carefully attended to in any future editions of this work.

The first national object of the duty of British *consuls*, is to keep up a regular correspondence with the ambassadors or other ministers of their nature, residing at the courts on which their consular jurisdiction depends; and regularly to transmit to the minister every information and intelligence relative to the state of the British commerce within their department, provided always that such information or intelligence may prove immediately serviceable to the commercial interest of Great-Britain, through the mediation of such ambassadors or ministers with the government of the country; but if there is no prospect of any essential benefit arising through the interposition of the minister, it will be more proper for the *consuls* to transmit their accounts of the state of commerce, or such other intelligence as may be for his majesty's service, directly home to the secretary of state, with whom they are also commanded to hold occasional correspondence, and "every six months at least they are ordered to summon all British merchants at the factory where they reside to meet at some convenient place, then and there to deliberate upon the state and condition of the British trade there, and to draw up a full and particular account thereof, with regard to the increase and decrease of the British trade, the causes or occasions of such increase or decrease, what obstructions it has met with in those places, and the methods which the said merchants shall judge proper for the removing of such obstructions, and for the preserving and improving of the said trade.

"The said account so to be drawn up, is to be signed by the *consuls* and the merchants, and transmitted by the said *consuls* to his majesty's principal secretary of state for that province, and a duplicate thereof to the honourable the commissioners for trade and plantations."

But as it sometimes happens, that British merchants reside in foreign countries solely under the protection of the government of the country, and enjoy no privileges but what are derived from thence, in many cases they will refuse to sign such accounts, or even to assemble on such occasions, especially where there is no treaty of commerce subsisting to authorize their meetings: in this case, the *consuls* must procure the best intelligence they are able, and transmit the same under their own signature alone.

It is likewise the duty of British *consuls* to transmit early and exact private intelligence of every transaction at the port where they reside, or within the extent of their consulships, that may in general prove detrimental to the affairs of their sovereign, and the interests of their country, concerning which they are to be as attentive and vigilant as any other persons, however distinguished in public characters abroad.

With respect to their public conduct within their departments, British *consuls* are to protect the merchants, all British subjects trading to, and travelling through the places within their jurisdiction, and particularly all masters of British ships and mariners; they are not to suffer the natives to offer them any insult or wrong, nor the custom-house or other officers of the government of the country to impose on them, illegally to detain their persons or merchandize, or to exact money from them on fraudulent pretences; and in all cases of this nature, where the *consuls* cannot obtain redress from the administration on the spot, they are to prefer the complaint by memorial to the British minister residing at the courts on which their consulships depend. If there is no minister, they are to transmit their memorial to the court themselves, and failing of redress, if the complaint be well grounded and important, the same should be transmitted to his majesty's principal secretary of state for that province.

They are to take care to give the masters of vessels a proper idea of the rules of the port, and of the laws and usages which it is required strangers should comply with; and upon any violent outrage or insult offered to the inhabitants by his majesty's subjects, upon complaint made to the said *consuls*, they are to take care to summon the parties, and to obtain satisfaction, and in case of resistance or disregard of their summons, to demand the assistance of the military or civil force, and then separately or conjointly with the magistracy of the place, according to particular

ticular treaties subsisting, or to the general custom of the place, he is to adjudge the cause.

In most places, however, the civil jurisdiction of the country immediately takes place against the offender, in which case the *consuls* ought to be apprized of the arrest, detention, and trial of British subjects by the magistracy; but if this civility is neglected, they are to take care to inform themselves thereof, and to be present at all examinations of the prisoners, and to act as their advocates and mediators.

They are likewise to attend at all arbitrations, and other meetings relative to commercial disputes and differences between the masters of British ships, or their owners, and the merchants of the country, when called thereto by British subjects.

In a word, as it is the duty of British subjects to pay the respect which is due to a civil magistrate to the British *consuls* residing in foreign countries; so it is the duty of the said *consuls* to grant every legal protection, countenance, and encouragement to all his majesty's subjects residing within their several departments.

Lastly, with respect to religion, they are to take care to give no offence themselves, nor to suffer any insult or indecency to be offered by British subjects to the established religion of the country; nor are they to make a public profession of their own religion, nor to hold assemblies for protestant worship, unless expressly permitted, or stipulated by treaty: but as they are permitted the free exercise thereof privately in their own houses, they are not to be molested therein; nor are they to be prevented attending or assembling at the houses of the *consuls* for such purposes; and the *consuls* are to take care that no protestant be forced to comply with any of the rites or ceremonies of the religion of the country, such as obliging parents to send their children to be baptized, &c. nor are they to suffer the seizure of any Bibles or other books in the houses of British subjects, though such books are by the laws of the country prohibited to the inhabitants; and as cases of this kind sometimes happen, it may not be improper to observe, that a book taken out of a house by a priest or friar, or any other private person, should be claimed as the common property of the owner, and the offender should be proceeded against at common law, not by memorial or representation, the common law of every country affording relief in such instances.

We shall now give some account of the FRENCH *consuls* residing in foreign countries. According to the best French authors, they are to maintain and support the privileges of the French nation, according to the treaties made with the sovereigns or states where they reside. They have inspection and jurisdiction in all causes, as well criminal as civil, respecting the subjects of France in their several departments.

It is their duty to protect, improve, and augment, as much as in them lies, the commerce of their nation within the places of their residence.

The jurisdiction of the French *consuls* in foreign ports, includes that of our vice-admiralty and common law. In private disputes, and generally in all civil causes, the sentences of these *consuls* is given provisionally, and security is required for the sum awarded by the sentence in case of appeal: in criminal causes, they may judge definitively where no corporal punishment is to be inflicted; but in capital cases, they are only to give their opinion, and to send the prisoner, with his trial, on board the first French ship bound to any part of France, when the admiralty of the place, or the nearest parliament, is to take up the said trial, and proceed thereon.

Appeals from the sentences of the *consuls* up the Levant, and on the coast of Africa and Barbary, are carried to the parliament of Aix; the appeals from all other consulates are brought before the nearest parliament, or the tribunal of the admiralty where the ship discharges which has the prisoner on board.

On all weighty affairs relative to the general interest of the commerce of France, the *consuls* are to convene all the merchants, and the masters and owners of French ships in the places of their residence: and they are to assist at their several deliberations and meetings, under pain of an arbitrary fine, to be applied to the ransom of captives.

French *consuls*, and their vice-*consuls*, must be natives of France; because they will thereby be free and independ-

ent of the jurisdiction and influence of the country where they serve; whereas, if they are inhabitants of the country where they reside in quality of *consuls* of France, they may be influenced by fear or some other motive to neglect the commercial interest of France, and to favour that of their native country in prejudice thereof: and they are expressly forbid to carry on any trade whatever; which prohibition is extended to their household under a most severe penalty, besides forfeiture of their offices. The reasons assigned by the French government for this measure are; that as *consuls* are appointed to be judges in divers causes relative to trade and navigation, they ought not to be judge and party, as was frequently the case when they were permitted to act as merchants and factors.

Lastly, French *consuls* are directed to keep exact memorials of the transactions of their important office, which they are to transmit annually to the secretary of state for foreign affairs.

There are another species of *consuls* in all the principal cities and ports of France; but their establishment is of a different nature, and forms a part of the civil jurisdiction or internal police of that nation, which is foreign to our present subject.

CONTRABAND, are such goods as are not only liable to confiscation themselves, but also subject thereto all other allowed merchandizes found with them in the same box or bale, together with the horses, waggons, &c. which conduct them.

There are *contrabands*, which, besides confiscation, are prohibited upon pain of death; as v. g. in France, India, and China stuffs, linens, &c. In England there are two principal *contrabands* for the export, v. g. that of wool and live sheep, which all strangers are prohibited from carrying out, on pain of having the right-hand cut off: the other, that of sheep-skins, and calf-skins, which all foreigners are prohibited from exporting, on pain, also, of having the right-arm cut off: yet the subjects of England are allowed to transport the same from France to England. The other *contrabands* for exportation are raw horns, white-ashes, stocking-wools, or any part thereof, fuller's-earth, and all raw hides or skins.

Of goods contrabanded, as to the import, there are above fifty in the lists made in 1662; and yet there are twenty-five of them which now stand in the tariff; the non-execution of the acts of parliament, whereby they were imposed, seeming to have restored them to the freedom of importation.

The chief of those still contrabanded, and not tariffed, are woollen caps, woollen cloths, saddles, and harnesses; dice, billiards, all sorts of dressed or tanned hides, dressed-furs, all sorts of shoe-makers ware, locks, and divers sorts of cutlers-ware; all painted goods, except paper, wires, buckles, gold and silver leaf, and horns for lanterns.

Since the year 1662, several other commodities have been made contraband, particularly silk, galloons, lawns, embroideries, fringes, buttons, and other thread manufactures, black-taffeties, called alamodes or lute-fringes.

In 1719 and 1720, an attempt was made in parliament to pass a bill for putting gold and silver, whether in species or otherwise, among the number of *contraband* goods for exportation; but in vain, by reason of the strong opposition made by those who enrich themselves by the export of these metals, which, by the laws of the kingdom, it has always been allowed to send away, upon entering them, and paying the duty of the export.

CONTRACT, is a covenant, or agreement between two or more persons, with a lawful consideration or causes, as when a man makes the sale of any thing to another, for a sum of money, or covenants, in consideration of fifty pounds, to make him a lease of a farm, &c. These are good *contracts*, because there is a *quid pro quo*, or one thing for another; but if a person promises me twenty shillings, and that he will be debtor to me for it, and after, when I demand the completion of his promise, he refuses me, I cannot have any action for its recovery, because this promise was no *contract*, but a bare promise, or *nudum pactum*, though if any thing had been given for the twenty shillings, even to the value of a penny, then it had been a good *contract*. Every *contract* doth imply itself an assumpsit in law for its performance; for a *contract* would be to no purpose, if there were not means to enforce the performance thereof. 1 Lill. Abr. 308.

Where an action is brought upon *contract*, and the plaintiff mistakes the sum agreed on, he will fail in his action: but if he brings his action in the promise on law, which arises from the debt, then, although he mistakes the sum, he shall recover. *Aleyn. 29.*

There is a diversity, where a payment is limited on a *contract*, and where not; for where it is limited the *contract* is good presently, and an action lies upon it, without payment, but in the others not; if a man buys twenty yards of cloth, &c. the *contract* is void if he do not pay the money presently; but if day of payment be given, there the seller may have an action for the money, and the buyer trover for the cloth. *Dyer 30. 293.*

If a man *contract* to buy a horse, or any thing else, but no money is paid, or earnest given, nor a day set for payment thereof, nor the purchase is delivered; in these cases no action will lie for the money, or the thing sold, but it may be sold to another. *Plowd. 309. 128.*

All *contracts* are to be certain, perfect, and compleat: for an agreement to give so much for a thing as it shall be reasonably worth, is void for uncertainty; so a promise to pay money in a short time, &c. or to give so much if he likes the thing when he sees it. *Dyer 91. 1 Bul. 92.*

But if I *contract* with another to give him ten pounds for such a thing, if I like it on seeing it; this bargain is said to be perfect at my pleasure, though I may not take the thing before I have paid the money; if I do, the seller may have trespass against me; and if he sell it to another, I may bring an action of the case against him. *Noy 104.*

If a person agree with another to give so much for his horse as A. B. shall judge him to be worth; when he hath judged it, the *contract* is compleat, and an action will lie on it, and the buyer shall have a reasonable time to demand the judgment of A. B. but if he dies before his judgment is given, the *contract* is determined. *Perk. fecit. 112, 114. Shep. Abr. 294.*

In *contracts*, the time is to be regarded, in and from which the *contract* is made: the words shall be taken, in the common and usual sense, as they are taken in that place where spoken; and the law doth not so much look upon the form of words, as on the substance and minds of the parties therein. *5 Rep. 83. 1 Bul. 175.*

A *contract* for goods may be made as well by word of mouth, as by deed in writing; and where it is in writing only, not sealed and delivered, it is the same as by word; but if the *contract* be by writing, sealed and delivered, and so turned into a deed, then it is of another nature; and in this case generally the action on the verbal *contract* is gone, and some other action lies for breaking thereof. *Plowd. 130, 309. Dyer 90.*

Contracts, not to be performed in a year, are to be in writing signed by the party, &c. or no action may be brought on them; but if no day is set, or the time is uncertain, they may be good without it. *29 Car. II. cap. 3.*

And by the same statute, no *contract* for the sale of goods, for ten pounds, or upwards, shall be good, unless the buyer receive part of the goods sold, or gives something in earnest to bind the *contract*, or some note thereof be made in writing, signed by the person charged with the *contract*, &c.

If two persons come to a draper, and one says, let this man have so much cloth, and I will see you paid, there the sale is to the undertaker only, though the delivery is to another by his appointment: but if a *contract* be made with A. B. and the vender scruples to let the goods go without money, and C. D. comes to him, and desires him to let A. B. have the goods, and undertakes that he shall pay him for them, that will be a promise within the statute *29 Car. II.* and ought to be in writing. *Mod. Caf. 249.*

Contracts and agreements are in many cases of the same signification, as this latter in its Latin derivation, *agreementum*, or *agregatio mentium*, seems to express, signifying a joining together of two or more minds, in any thing done, or to be done.

By an act passed 6 Geo. III. for the better regulating apprentices, and persons that work by *contract*: if any apprentice (whose master has not received with him the sum of ten pounds) shall absent himself from his master's service before the term of his apprenticeship shall be expired, every such apprentice shall, at any time within the space of seven years after the end of the term which such

apprentice contracted to serve, where-ever he shall be found, be compelled to serve his master for so long a time as he shall have absented himself from such service, unless he shall make satisfaction to his master for the loss he shall have sustained by his absence from his service: and so from time to time as often as any such apprentice shall, without leave of his master, absent himself from his service. Nothing in this act extends to any apprentice whose master has received with him the sum of ten pounds.

By the said act, it is enacted, That whatever artificers, callico-printers, handicrafts, miners, colliers, keelmen, pitmen, labourers, and others, who *contract* with persons for certain terms, and leave their respective service before the terms of their *contracts* are fulfilled, to the great disappointment and loss of the persons who employ them: against every such artificer, from and after the 4th of June, 1766, absenting himself from his service before the term of his *contract* shall be completed, or being guilty of any other misdemeanor, any justice of the peace may, upon oath of the person (or his steward or agent) to whom the artificer was under *contract*, issue a warrant for apprehending him, and, upon conviction of the offender, commit him to the house of correction for any time not exceeding three months, nor less than one month. See APPRENTICE.

CONTRAYERVA is a root an inch or two long, about half an inch thick, full of knots, hard, and of a reddish colour. Long, tough, slender fibres shoot out from all sides of it: these are sometimes loaded with knotty excrescences. The root is of a pale colour within, of a somewhat astringent taste, bitterish, with a light and sweetish kind of acrimony: it has a peculiar kind of aromatic smell. The fibrous part of the root has very little smell or taste: the tuberos should therefore be only chosen.

The *contrayerva* root is an excellent sudorific; it strengthens the stomach, dispels flatulencies, and helps digestion. It is greatly used in fevers of many kinds; and is even by some recommended against the plague, as one of the greatest known remedies. It has the credit, among many, of being the greatest antidote in the world against poisons of all kinds, and hence it obtained its name. It is given in powder and decoction, but with us principally in form of the lapis *contrayerva*; composed of crabs-claws prepared one pound, prepared pearls and red coral, of each three ounces, powder of *contrayerva* five ounces. This used to be wetted into a paste, and made up into balls, whence its name lapis *contrayerva*; but the new Dispensatory orders it to be kept in powder, under the name of pulvis *contrayerva* compositus. Its dose is from ten grains to half a drachm.

CONTRIBUTION. See AVERAGE and SALVAGE.

CONVEYANCE, is a deed which passes land from one to another. The most common conveyances now in use are deeds of gift, bargain, and sale, lease and release, fines and recoveries, settlements to uses, &c. The words give and grant, &c. are proper for a conveyance at common law; but it has been held, that though some books warrant that conveyances shall operate according to the words, yet of late the judges have a greater consideration of the passing the estate, than the manner by which it is passed. *2 Lutw. 1209.* A conveyance cannot be fraudulent in part, and good as to the rest. For if it be fraudulent and void in part, it is void in all, and it cannot be divided. *1 Lill. Abr. 311.* Fraudulent conveyances to deceive creditors; defraud purchasers, &c. are void, by stat. *50 Ed. III. cap. 6. 13 Eliz. cap. 5. 27 Eliz. cap. 4.*

CONVEYANCER. Those who profess this business are generally bred attorneys, but apply themselves chiefly to the drawing of deeds, mortgages, and conveyances of estates: this is one of the most profitable branches of the law; especially when they add to it, as they commonly do, the trade of a money-scrivener; in which case they are employed to find out estates to purchase, have money to lay out for some, and are employed by others to borrow; thus they are paid both by the borrower and lender; and of course are employed to draw the securities.

This business not only requires great knowledge in the law, but a solid and clear understanding, and much integrity, for the security of property greatly depends on this species

species of lawyers; and the villainy or ignorance of those of this profession occasion most of the law-suits brought into Westminster-hall: on this account a gentleman cannot be too cautious in the choice of a *conveyancer*. The business is, however, engrossed by a few, who soon get estates. In putting a young man to this profession, the greatest care should be taken of the character of the master to whom he is bound as a clerk: for this will not only contribute to the preservation of his integrity, but be the most effectual means of recommending him to business when his clerkship is expired. The *conveyancer* receives with a clerk from fifty to a hundred pounds and upwards.

CONVOYS, in a war, are appointed for the safety of merchant-ships, who sail in fleets under their care and protection; and even in times of peace, some are ordered by the government to guard and defend our trading-vessels from the assaults of pirates, or encroachers on our commerce, more especially in our fisheries, and other parts of the West-Indies, where they may be exposed to such attacks, or commercial intruders; and the sailing of such convoys are publicly advertised, and the days fixed for their departure, that ships may get to the rendezvous, or destined places, by the times appointed, and there receive orders from the commanding officer, relative to their future proceedings, which the masters must take care punctually to observe, otherwise they only will be answerable for any loss or miscarriage that may happen through such a neglect; but, on the contrary, if the fault lies on the commander, he is made punishable by the subsequent laws, viz.

The captains, officers, and seamen, of all ships appointed for *convoy* of merchant-ships or others, shall diligently attend upon that charge, without delay, according to their instructions; and whosoever shall be faulty therein, and shall not faithfully defend the ships and goods in their *convoy*, or shall demand any money, or reward, from any merchant or master for conveying of such ships belonging to his majesty's subjects, shall be condemned to make reparation of the damages, as the court of admiralty shall adjudge, and also be punished criminally by pains of death, or other punishment, as shall be adjudged by the court-martial. 13 *Car. II. stat. 1. c. 9. §. 1. art. 13.*

Confirmed by 22 *Geo. II. p. 693. art. 17. See CRUIZERS.*

COOPER. The cooperage is an extensive business in all its branches, and consists of those who make all sorts of tight casks for holding liquids, and those who make casks not tight, chiefly for dry goods, package, and soap. Both these are smart work; but the former is by much the more difficult task. They generally take ten or twenty pounds with an apprentice, whose working hours are from six to eight; in which time some good hands will earn three shillings, or three and six-pence; but the common wages of the journeymen are fifteen shillings a week. To set up a master in the dry way will require from two hundred to five hundred pounds, except they keep to soap-casks only, as some do, which is easier work, and requires less money. One who keeps to the making of butts, hogheads, &c. for brewers, vinegar-merchants, shipping, &c. requires a great stock of the best staves, and of course more money to carry on his business. But there are those also who work mostly on the lesser sort of tight casks; which is much lighter work, and takes less money.

The laws and regulations for *coopers* may be seen in *stat. 23 Hen. VIII. c. 4. and stat. 8 Eliz. c. 9.*

COPAL is a solid, resinous concrete, brought in irregular lumps, from New-Spain. Some pieces are very transparent, and from a light yellow colour to a brown; others are of a whitish colour, and semi-transparent: the latter is more friable than the former, and resembles the finer kinds of common resin, grossly powdered and forced together into a mass. This resin is, by some, resembled to frankincense; but it has a more agreeable smell, and does not melt so thin, or burn away so fast upon a red-hot iron. Water makes no impression upon *copal*, and it is very difficultly dissolved in spirit of wine.

The Americans use *copal*, as they do anime, for disorders of the head, by way of fumigation. We do not use it at all in medicine, but an excellent varnish is made of it.

COPARTNERSHIP is a deed of covenant between merchants, or others, for carrying on a joint trade, &c. See PARTNER.

COPET, a small town, two leagues from Genoa, is noted for clockwork, and its large fishery.

COPPER, a hard, heavy, ductile metal, found in mines in several parts of Europe.

Copper is the lightest of all the metals, except iron and tin; it is much more simple in its nature than iron, though greatly less so than gold or silver. It is, next after iron, the hardest metal. It communicates that quality to gold and silver, which greatly want it, with which it readily mixes in fusion, and is the best alloy for both. It is malleable much more easily than iron, though not so readily as any of the other metals. It is ductile to a very great degree. In its natural state, we see it drawn out into extremely fine wire, and in the form of brass, in which it is only altered in colour by an admixture of a semi-metal, called zinc: it is beaten into leaves, which, though not so thin as those of gold, serve many purposes in their stead.

It is the most liable to rust of all the metals; for all kinds of salts, and all unctuous bodies, in short, almost everything in nature, is a solvent for it. If only exposed to a moist air, it readily acquires a green rust, and even water in time will dissolve it. It is remarkably sonorous, being the basis of almost all the compound metals in which that quality is expected. It requires a very considerable degree of fire to melt it, less indeed than iron, but much greater than that required for the fusion of any of the other metals: on this is founded that easy practice of separating all the other metals, except iron, from *copper*, by what is called eliquation: for, if the fire be kept up just under the degree necessary to melt a plate of *copper*, every other metal will be perfectly separated from it, if iron be not there. *Copper* grows red-hot before it melts, and, when in a state of fusion, is destructive to every body near, if but the least quantity of water be in the way of its course; for a single drop will scatter a vast quantity of melted *copper* like shot from a gun. It amalgamates with mercury, but not without considerable difficulty: melted with antimony, it readily runs into scoria, or vitrifies; and the same effect is produced, though not so suddenly, on fusing it with iron.

The extreme divisibility of this metal almost exceeds imagination. Mr. Boyle observes, that a grain of it, dissolved in an alkali, will give a sensible colour to more than 500,000 times its weight of water. It very readily dissolves in aqua-fortis, aqua-regia, spirit of salt, and, in short, in all the stronger, and even the weaker acids; the very mildest of the vegetable tribe being able to produce a green tincture from it, and to acquire an emetic virtue by being suffered to stand in it. The acids make a green solution of it; the alkalies, and particularly the volatile urinous kinds, a blue one that is equal to the finest colour among painters, not excepting the ultramarine.

Stat. 9 and 10 Will. III. c. 26. §. 19. It shall be lawful for his majesty's subjects, to export all such *copper-bars* as shall be imported from foreign parts [as well as *copper* made of English ore] and, upon exportation, shall draw back all duties, saving half the old subsidy.

To continue thirteen years, from June 24, 1698, and to the end of the then next session of parliament.

Continued by 12 *Ann. stat. 1. c. 18.* for fourteen years, and to the end of the next session of parliament. And farther continued by 32 *Geo. II. c. 23. §. 1.* to June 24, 1766, &c.

Stat. 12 Ann. cap. 18. sect. 5. No draw-back shall be allowed on the exportation of any *copper*, but such as shall be exported from the East-Indies and the coast of Barbary only.

Continued as above.

Stat. 8 Geo. I. c. 18. §. 22. *Copper* ore of the production of the British plantations, shall be restrained to be imported into this kingdom, as by 12 *Car. II. c. 18. §. 28.* 25 *Car. II. c. 7.* and 3 and 4 *Ann. c. 5. §. 12.*

Continued by 8 *Geo. II. c. 31.* to September 29, 1742, and to the end of the next session. Continued by 33 *Geo. II. c. 16.* to September 29, 1767, and to the end of the next session.

Copper-plates, and *copper* fully wrought, to what duties liable. 4 and 5 *Will. and Mar. c. 5. §. 2.* All *copper* may be exported, paying the lawful duties and customs. 5 *Will. and Mar. c. 17.*

COPPER-SMITH. This business requires great strength. The *copper-smith* makes copper boilers for brewers, and all manner

manner of large vessels of copper and brass. His business differs from the brazier's in the largeness of his work, and in his riveting many brass or copper plates together, in order to form the prodigious vessels that pass through his hands. Those of this noisy business take with an apprentice from ten to twenty pounds; pay their journeymen from twelve to twenty shillings a week; and a hundred pounds will set up a man in this business; but he may soon want a thousand pounds to enable him to carry it on with spirit.

COPPER-PLATE-PRINTER. This article might have been joined to that of the engraver, to which it is nearly related: but as it is a separate trade, and very few of the engravers keep copper-plate-presses in their houses, we thought proper to place it here. When the plate is ready to be worked off, the *copper-plate-printer* rubs a kind of ink, made of lamp-black and oil, all over it, and placing it upon a grate over a small charcoal-fire, works the ink in a moment into the smallest strokes of the graver. The ink on the surface of the plate is then lightly wiped off with a rag; and the workman, touching the palm of his hand with a little whiting, with a slight stroke, cleans the surface of the plate, while all the ink continues in the lines made by the graver. It is then placed upon the press, where a board slides between two rollers, and a piece of paper well wetted being laid upon the plate, it is brought under the upper roller, which pressing a piece of flannel upon the moistened paper, makes the latter sink into the smallest scratches made on the plate, and takes off the whole impression by imbibing the ink. All this is done with such expedition, that a large plate of a whole sheet is blacked, cleaned, and worked off, in less than a minute. The *copper-plate-printer* takes from five to ten pounds with an apprentice; who, when a journeyman, will be able to get twelve or fifteen shillings a week. This business is a very black and dirty one; but a person may set up master with about fifty pounds.

COPPERAS, *green vitriol*. See **VITRIOL**.

COQUIMBO is a city of Chili, where some business is transacted, in whose neighbourhood is a copper mine, producing metal with which the artillery of Peru and Chili are cast.

CORAL is a sea-plant, without leaves, but having flowers and seeds. It is of various colours; the most usual are red and white, which are the two sorts alone made use of for medicinal purposes. *Coral*, upon a chemical analysis, yields a small proportion of an urinous spirit, mixed with a black, fetid oil, and a small quantity of fixed salt, differing very little from sea-salt. *Red coral*, calcined in an open fire, loses its colour, and becomes white: from the calx, iron may be extracted, by applying a load-stone. Digested in essential oils, it imparts its red colour to them. *Coral* is not affected by water, or vinous spirits, but is readily soluble in every kind of acid spirit.

CORAL-FISHERY. There are several places where this fishery is carried on, as the Persian-Gulph, the Red-Sea, the coasts of Africa, towards the Bastion of France, the islands of Majorca and Corsica, and the coasts of Provence and Catalonia.

The method of fishing is pretty much the same in all places with that near the Bastion of France, where there is an established fishery, under the direction of a company.

Before the fishers go out, they agree on the price of the *coral*, which is ordinarily at the rate of four shillings and sixpence per pound.

The time of the *coral-fishery* is from April to July, in which time each boat gets twenty-five quintals of *coral*, which is divided into thirteen parts; of which the patron or master coraller has four, the cafter two, and each of the six companies one; the thirteenth being reserved for the company.

Coral and coral beads, to what duties liable. 4 Will. and Mar. c. 5. s. 2.

CORALLINA, **CORALLINE**, in pharmacy, a sea-plant, but much inferior to the red coral in hardness. We meet with it in the shops preserved entire, or in the whole plant, which is naturally very branchy, and forms a sort of bunch of filaments two or three inches long, and each as thick as a small packthread. These are not smooth, however, but jointed in a great number of short pieces of a regular form, fastened regularly one to the end of another.

They are considerably hard, crackling between the teeth, and easily reduced to powder; they are sometimes greenish, sometimes yellowish, often reddish, and not unfrequently white. They are of a rank and disagreeable smell, when fresh, and of a saltish, acrid, and very disagreeable taste. *Coralline* is one of the *cryptogamia* of Linnæus, one of the *herbæ marinæ* of Tournefort, and one of the *herbæ imperfectæ* of Mr. Ray. It is described by all the botanical writers under the name of *corallina vulgaris*. It grows on little stones and shells, or any other matter at the bottom of shallow seas, and is often found hanging from rocks that are dry at low tides. It is frequent on our own coasts, and what we use is generally of our own produce, though there is some brought from France and Holland. It is to be chosen fresh, of a strong smell, and greenish, or reddish colour. The white, though it looks the cleanest, is least to be valued, as it has probably become so by lying on the shores, torn from its roots, and has lost its virtue by the bleaching.

The ancients commend it against infarctions of the viscera, or collections of the humours in any other part, and for easing the pain of the gout. At present, we use it only against worms, a virtue which they seem to have known nothing of its possessing. It is given from ten grains to half a drachm for a dose, and is generally mixed with worm-seed, salt of steel, and other of the known anthelmintics, so that a cure is generally effected; though, perhaps, it would not be easy to prove what share the *coralline* has in it.

CORD, or **CHORD**, an assembling of several threads of hemp twisted together.

CORD of wood, a certain parcel of wood for burning, erected into a pile.

The dimensions of a statute *cord of wood* are eight feet long, four feet high, and four feet broad.

CORDAGE. The term is used in general for all sorts of cord, whether small, middling, or great, made use of in the rigging of ships.

The price of *cordage* and cables at St. Petersburg, in 1742, was one rouble twenty copecks the poude.

Cordage is usually made of spun-hemp: the great number of vessels built and fitted out at Amsterdam, either for war or trade, occasion a great commerce of all sorts of *cordage* necessary for them. All which sells by the schippont of three hundred pounds.

The schippont of *cordage* of neat hemp costs usually fifty-six florins; that of Konigsbergh about fifty-eight florins; that of Muscovy from thirty to forty-seven florins. Deductions for weight and prompt-payment at one per cent. on each.

The quantity of *cordage* used in rigging a vessel is almost inconceivable. Every rope hath its name and particular use.

As the quantity of *cordage* is so very extraordinary that is used in our own vessels and shipping, both at home and abroad, and as also the quantity used by all the Europeans, Americans, and Asiatics, is immensely great, too much encouragement cannot be given to the growth of hemp in our own colonies and plantations; to the end that we might by that means, at least, amply supply ourselves, if we could not obtain any share in the supply of other nations.

COREA. The kingdom of *Corea*, called also *Caoli*, and *Tiocencouk*, extends from the thirty-fourth to the forty-fourth degree of latitude. On the south it is very near Japan; and on the north it joins to China by a high mountain, which keeps it from being an island. The country is not equally fertile, as the northern coast produces hardly sufficient to support its inhabitants, who only subsist on bad barley, and are clothed with animal-skins; whilst, on the contrary, the rest of the kingdom produces in abundance all necessaries of life, besides cotton, hemp, and even silk, though they are ignorant how to fit it for use; here is also found silver, lead, tiger-skins, nisi or ginseng-root, so much esteemed by the Tartars and Chinese, a quantity of large and small cattle, more especially horses, cows, and hogs. The Coreans hardly trade with any others than the Japanese, and the inhabitants of the Isle of Suissima, (seated between Japan and *Corea*) who have a magazine, or deposit for their merchandize, to the south-east, in the city of Pouchant.

The goods brought to *Corea*, are pepper, Brazil-wood, allum, buffaloes horns, stag and buck-skins, and other commodities, even some from Europe, which the Dutch and Chinese sell to the Japanese. All these goods are exchanged and trucked against the manufactures and products of the country; and the Coreans have also some trade directly to Pekin, and the northern provinces of China; but this business is of so great expence, as it must be carried on all by land, and on horseback, that only the most considerable merchants are capable of undertaking it: it is those of Sior who go thus to China, and are not less than three months in their journey, the whole commerce consisting in linens.

This kingdom has, from time immemorial, been tributary to the Chinese, who treat it very severely, not permitting it to have any trade with strangers, though the inhabitants go clandestinely with their goods by the sea of Japan, in the river Amur, and from thence by the Nafunda, to the city of Naun, to trade there with the Mougales, and indirectly with the Russians. They go twice a year to Pekin, viz. in the months of March and August, to the number of forty or fifty persons, as well to pay the emperor his tribute, as to carry on their trade, which principally consists in the following particulars.

A sort of thick large paper made of raw silk, which serves in China for window-fashes instead of glass; gold and silver figured paper; all sorts of large fans, variously fashioned; very fine mats, which serve in summer instead of mattresses; smoking-tobacco cut very small, of which vast quantities are consumed in China, where it is better esteemed by the natives than their own; a striped cotton cloth; a sort of skins, which the Russians call chorkey, which are found in great abundance here, and for which there is a large demand at Pekin; a dried fish taken from some large shells, caught in the sea of Japan; besides which, they carry there large furs in silver, and with them purchase the finest raw silks and cotton, damasks, a sort of stuff, mixed with silk, for linings, tea, porcelain, all sorts of kitchen furniture in white copper, and fables tails.

CORIANDER-SEED, in botany, small seeds, pretty regularly hemispherical. They are very light, and easily powdered, not so unctuous and moist, when bruised, as many other seeds, of a pale whitish colour. *Coriander-seed* is to be chosen new, sound and firm, of an agreeable aromatic smell and pleasant taste, yet far from insipid.

The virtues of *coriander-seed* have been much disputed among the ancients; some have held it to be cold, narcotic, and stupifying; others declare it innocent and wholesome. We find it in constant use among our confessions, and in many kinds of food, and never hear of its being attended with any bad effects. It is, indeed, a good carminative and stomachic, and is found to do great service in pains of the head arising from crudities of the stomach. It has some degree of astringency with its other qualities, and is recommended by many in hæmorrhages and diarrhœas. It has been made an ingredient in many of the official compositions, particularly in the lenitive electuary, and others of that intention.

CORK, is (including Desmond) the largest county in Ireland, though counted very wild and woody; it has several good trading-towns, as Youghill, Kinsale, Rosse, Baltimore, but, above all, the capital of the county, *Cork*, which is a place from whence great exports are made, having a very commodious harbour, and being otherwise conveniently situated for that purpose; it had, in the year 1723, six hundred and ninety ships (with 36526 tons) belonging to it; Youghill fifty-one ships (with 2153 tons); Kinsale forty-four ships (with 2214 tons); Rosse twenty-seven ships (with 1591 tons); and Baltimore thirty-eight ships (with 1193 tons.)

CORK, a tree resembling the holm, in its leaves, catkins, and fruit; the bark of it is light, spongy, and of a grey colour, inclining to yellow.

There are, indeed, several sorts of this tree; but two more remarkable, viz. one of a narrower, less jagged leaf, and perennial; the other of a broader leaf, and falling in the winter.

It grows in the coldest part of Biscay, in the north of England, in Italy, Provence, and the south-west parts of

France, especially the second species, which are the fittest for our climate.

It grows in all sorts of ground, dry heath, stony and rocky mountains, so that its roots run above the earth, where they have but little to cover them; and therefore we have no reason to despair of their growing with us.

The best bark should be light, even, of a middling thickness, without cracks, having few knobs, and easy to be cut.

The Egyptians make coffins of *cork*, which, being lined with a resinous composition, preserved their dead uncorrupted.

They sometimes, in Spain, line their stone walls with it, which renders them very warm, and corrects the moisture of the air.

CORK-CUTTER. Cork is the bark of a tree of the same name, which grows in Spain and other countries. This bark is half burnt by the *cork-cutter*, and then, with a sharp knife, cut into corks for bottles, bungs for barrels, &c. The business requires no genius nor abilities; and is mostly performed by women, who earn seven or eight shillings a week, at so much a dozen of corks. The masters take from five to ten pounds with an apprentice, who, when out of his time, may set up with fifty pounds.

CORN. Hereof are several species, such as wheat, rye, and barley; millet and rice; oats, maize, and lentils, pease, and a number of other kinds. Each of these has its usefulness and propriety.

The quarter to contain eight bushels strided, each bushel containing eight gallons. 15 *Rich. II. c. 4. f. 1.* 11 *Hen. VII. c. 4. f. 1.* 22 *Car. II. c. 13. f. 1.*

And on payment of the bounty on exportation, two hundred and twenty-four pounds of wheat-meal, or other ground corn, are adjudged equal to four bushels of the like corn unground. 24 *Geo. II. c. 56. f. 1.*

Or grain imported, the subsidy thereon by 12 *Car. II. c. 4.* was increased by 15 *Car. II. c. 7.* and afterwards further increased in manner following.

	Old sub.	
Wheat not exceed 53s. 4d. per qr.	o 16 o	} per quarter.
" exceed 53s. 4d. and not above 80 o	o 5 4	
Rye not exceeding 40 o	o 16 o	} 22 <i>Car. II. c. 13. f. 1.</i>
Barley or malt } 32 o	o 16 o	
" buck-wheat }		
Oats 16 o	o 5 4	} per quarter.
Peas 40 o	o 16 o	

Imported.—Justices of the peace for the several counties, at every quarter-sessions, are to give in charge (in open court) to the grand jury to make enquiry and presentment upon their oaths of the common market-prices of middling English corn; which presentment is to be made in open court, and certified by the justices in writing to the chief officer and collector of the customs, to be hung up publicly in the custom-house, that the duties may be collected according to the said prices. 5 *Geo. II. c. 12. f. 1, 2, 3.*

In the city of London, the mayor, aldermen, and justices, in the months of October and April, are to determine the prices of middling English corn, by the oaths of two or more honest persons skilled in the prices, being neither corn-chandlers, meal-men, or factors, &c. interested in the corn, but substantial house-keepers living in Middlesex or Surrey, having each a free-hold estate of twenty pounds, or a lease-hold of fifty pounds *per annum*, and by such other ways and means as they shall think fit; and to certify the same as above. 1 *Jac. II. cap. 19. sect. 3, 4.* 5 *Geo. II. c. 12. f. 4.*

But justices omitting or neglecting to determine the prices, the collector of the customs must receive the duties according to the lowest prices of the several sorts rated by the act of 22 *Car. II. c. 13.*

Wheat, rye, barley, malt, beans, pease, and all other sorts of corn and grain, ground or unground, and bread, biscuit, or meal, may be exported free of all duties. 12 *Car. II. c. 4. f. 12.* 11 and 12 *Will. III. c. 20. f. 4.* 1 *Ann. c. 13. f. 2.* 5 *Ann. c. 27. f. 1.* 6 *Ann. c. 19. f. 1.* 7 *Ann. c. 7. f. 28.*

Exported. The bounty and regulations of exportation. See BOUNTY.

No warrant, cocket, &c. to be granted for transporting or carrying forth to the open sea any foreign *corn* after importation, from any port or haven within England, Wales, or the town of Berwick upon Tweed, to any other port or haven of the same.

No person may so transport, or cause to be transported or carried forth to the open sea, from any port, haven, creek, or road, or member thereof, within England, Wales, or the town of Berwick upon Tweed; or lade, or cause to be laden in any vessel, in order to be landed in any other port, haven, or place of the same, any foreign *corn*, or foreign *corn* mixed with English *corn*, upon forfeiture of the said *corn*, and twenty shillings for every bushel thereof, and also the ship or vessel, with her guns, tackle, and furniture.

The master or mariners of such vessel being convicted of knowingly aiding and assisting in such offence, are to suffer three months imprisonment, without bail or mainprize. See GRAIN.

CORN-CHANDLER. Those of this business sell all sorts of corn by retail, or to the immediate consumer; and for that purpose keep shops. They deal very largely with the keepers of livery stables, and with those gentlemen who keep horses. They take apprentices, and it requires three or four hundred pounds to set up a good shop. The apprentice ought to write a good hand, and be master of the common rules of arithmetic.

CORN-FACTOR. These gentlemen act as factors both for the farmer and the buyer. They sell at the corn-exchange in Mark-lane, by sample, and send it to other parts of Great-Britain or Ireland, where corn is scarcer, and bears a better market. They take with apprentices forty pounds and upwards. The youth intended for this business ought to write a good hand, and be well versed in accounts.

CORNWALL. The hilly part of this country appears unfruitful to the eye, but encloses great treasures in those seemingly barren mountains. There is yearly dug out of them an immense quantity of tin and copper, both excellent in quality, and the latter is found to be as good and as fit for every purpose as the Swedish, or any other heretofore imported, and is as successfully used in all our battery-works as any foreign was formerly; which induced the government to encourage their proprietors by laying a duty some years since upon all outlandish black latens, and metal prepared, which are plates of brass fitted for small manufactures of the clock, kitchen, &c. And our tin, as well in quantity as quality, greatly exceeds all other mines that have been yet discovered, though they have been worked from time immemorial; as we read that the Phenicians drove a very considerable trade in it, with the then inhabitants; and the plenty of the mineral having continued equal through so many ages, seems to indicate the stock to be inexhaustible, and will, in all probability, last till the general conflagration melts that and all things in a mass together; interim, the advantages it produces to the county (and indeed to the nation) are very considerable, from the large quantities exported. And for the better regulation of a business in which so great a number of men are employed, there are many ancient laws in force (first made, and franchises granted by Edw. I.) relating solely to them, by which they are incorporated in four divisions, viz. Foymore, Blackmore, Trewarnaile, and Penwile, in each of which Stannary-courts are held, for the decision of disputes and correction of irregularities, and sometimes parliaments of the whole society under the lord warden. The valleys are rich in corn and pasture, and its seas afford almost all sorts of fish in the greatest plenty, more especially pilchards, taken on its coasts at two different seasons of the year; and sometimes in such abundance, that the natives not having salt sufficient for their cure, make use of great quantities to manure their grounds, besides an annual exportation commonly of near fifty thousand hogheads; and it is only in this county that we remember to have seen or heard of any conger being taken in England.

Here are some small quantities of quicksilver found in the mines, and slates sufficient to furnish every demand for them.

COROMANDEL. This coast begins at the point of

Negapatam, where that of the Pefcherie ends, and reaches to the river Nagund, and the city of Mafulipatan; though some give it a greater extent, and continue it to Bengal.

The trade carried on by the Europeans here, is very considerable, where they have all great settlements, forts, and factories; having been invited thereto by the goodness of this port and roads on this coast, which are the best in India, and are a great refuge to their ships, when during the bad monsoon, they are obliged to quit the coast of Guarate and Malabar, as they cannot remain there in safety.

The chief establishments which the Europeans have on this coast, are Madras, or Madraspatnam, Pettepallee, Connimeer, Metchlepatam, Vizagapatam, and Maddapollum (N. B. Patnam means a city in all the peninsula on this side the Ganges) belonging to the English; Pondicherry, appertaining to the French; Nagapatnam, Nisipatan (otherwise Portapouli) Teguenapatnam, Sadraspatnam, Mafulipatan, Dakeron, Bimilipatan, Nagueuantze, Conjemere, and Palacate, possessed by the Dutch, and Tranquebar by the Danes. We might here introduce St. Thomas, as a Portuguese factory on this coast, being the place where they transact their trade from *Coromandel*; but this nation has no fortification here, as the others have at the places aforementioned.

Madras is seated in the latitude of thirteen degrees, ten minutes (Mr. Charles Lockyer says thirty degrees) north, and a hundred and two degrees thirty minutes of east longitude; and after the Dutch had shut the English out from Bantam, became the residence of one of the company's two presidents in these parts, and is now regarded as the center of its trade either with Europe or India.

From four to six ships is the common number that arrive here yearly, directly from Europe, and much the same in return, loading with the goods of the country, and those collected from their other factories on this coast, or what their trade in India has brought here, which are silk stuffs, silk and cotton handkerchiefs, cotton in thread and wool, indigo; all sorts of muslins and calicoes; Mafulipatan chintz, reckoned the most beautiful made in the Indies, and the most esteemed in Europe; diamonds and other precious stones from the mines of Golconda, &c.

A trade is carried on from hence by the factory, to all parts eastward of the Cape of Good Hope, as to China, Manilla, Batavia, the coasts of Java, Jahore, Malacca, Queda, Pegu, Arracan, Bengal, Siam, and all the *Coromandel* coast, with Achen, Priaman, Indrapore, Bencoolen, Bantall, &c. though the China voyage is the most desirable one, on account of the returns in gold and fine goods; but the company having, for some years past, sent ships directly from England there, the advantages of a trade between that country and Madras are greatly diminished; and that to the Manillas is of two sorts; the one carried on by the English merchants, settled on the *Coromandel* coast; and the other by the traders of the same nation from Europe, but both must go under foreign colours; those from hence under Irish, and those from thence under some pagan; the Spaniards admitting all nations, whether from Europe or India, at the Manillas, in their own ships, and under their own colours, except the English and Dutch, who are denied this privilege; the latter for their attempts to take them, more particularly for their enterprise against them in 1649; though the prohibition to the English is unmerited, at least for any thing we ever heard.

Few or none of our nation value themselves on the Irish ensign to go there directly (this trade being regarded as illegal here, though permitted there) so that they are generally supplied with our goods, by the other method open to them; the goods sent from Madras there, are long cloths, or white cotton cloths of seventy-two cobles in length, and two and a quarter broad; others of the same length and breadth much finer; the same specie, common blues; white common falempoures; and the same blue; various sorts of percales, white and blue; common cambrays of Madras, and Bengal; Mongonpous, Bengal taffeties, of red and mixed colours, foulies, common and fine belelaes, Melchapatan fatins, lampasses, and chites, or painted linens; gueraffes, and raw silk of Bengal. Besides which Indian commodities, the English send a great many of the European ones; such as camblots, cloths, ferges, hats, worsted stockings, crystals, Flanders lace, perpe-

perpetuanas, &c. and when a cargo is intended for the Manillas from Europe, some good Grave's claret, and Nantz brandy, in bottles, should be added, as this finds an advantageous dispatch among our countrymen at Madras, or, if carried on, among the Spaniards at the Philippines. The commodities brought back to our said settlement on return of the voyage, are dollars, brimstone, leaf-tobacco, &c. and sometimes they touch at China in their way home, and there truck the merchandize they got from the Spaniards against gold, as this leaves a great profit.

But lately the gentlemen at Madras have sent their largest ships to Mocha, Persia, and Surate, with Bengal and China goods, calling at several ports on the Malabar coast in their way, especially at Calicut for pepper, coconuts, coyr, cardamoms, nux vomica, turmeric, coculus Indiar, &c. and rice is often a profitable commodity in Mocha and Persia.

A man, with a fair character, may easily find money here on his own personal security at *bottomree*, or *respondentia*, to what port soever he be bound, at the following rates, viz.

To China, twenty or twenty-five *per cent.* China and Persia, forty to forty-five. Bengal, sixteen to eighteen. Achen, sixteen to eighteen. Batavia, twenty. Pegu, twenty to twenty-five. Batavia and Surate, thirty-five to forty. Manilla, thirty to thirty-five. Surate, twenty-five to thirty. Surate and Persia, thirty-five to forty. And Mocha, thirty *per cent.*

Pondicherry is seated in the territories of the prince of Gingy, at twelve degrees of latitude, and a hundred and fourteen longitude, where the French have a very strong fortification and well garrisoned; their warehouses here are large, and the goods with which they are commonly filled, destined either for Europe, or the commerce of India, Persia, and the Red-Sea, are collected less from *Coromandel*, than from Bengal, Surate, and the coast of Malabar, where the French company's ships go to load them: there is, notwithstanding, a quantity of cotton cloth made here, and in its neighbourhood, both white and stained, with muslins, silks, &c. all which commodities they load for Europe, and make their cargoes to consist of the same goods as the English.

The *Coromandel* trade is one of the most important to the Dutch, of any they carry on in India, as may be judged from the great number of settlements which they have on this coast, and even in the capital of Golconda, of which we have above mentioned the chief; although a few years preceding the end of the seventeenth century, it was become as a sort of an expence instead of benefit to them, by the great and continual impositions of the Moorish rajahs, which seemed not to be disapproved of by the king. This bad usage obliged them to arm for obtaining the satisfaction which they thought due: they took Masulipatnam, and by that obliged the king of Golconda, not only to confirm their ancient agreements, but to add those that were more advantageous; and also to ascertain in a better manner, the customs on imports and exports, which the rajahs who formed them, of their own government, only levied according to their pleasure, or exacted in presents, near as much as the company could benefit themselves, on the goods they shipped or delivered there.

Three of the most advantageous prerogatives that the Dutch now enjoy in the states of the king of Golconda, are, first, that no merchant, with whom the chief of the factory is in treaty about business, shall be molested, either in person or effects, even for the king's affairs, till previously the company be satisfied in all their pretensions on the said merchant. Secondly, that the weavers, painters, and other workmen employed by the company, shall not be interrupted in their labours, although for the king's service, till they have complied with their contracts; and, thirdly, that they shall have liberty to employ what brokers they please, without being obliged to take those belonging to the king or rajahs.

And they have likewise another privilege which they enjoy in common with the other Europeans, and that is not to pay the duty of Chappadellallah, that is marking the linens, which to the natives amount to twelve *per cent.*

The goods which the Dutch carry to *Coromandel*, are principally spices, silver, and Japan copper, mine gold,

Malacca pewter, quicksilver, lead, vermilion, camphire, elephants-teeth, sanders, siampan, European cloths and stuffs; for which they barter linens and all the other commodities before spoken of.

Golconda, which we have so often mentioned in speaking of the trade transacted on this coast, is the most considerable of all the kingdoms in this part of India, either for extent or the business that strangers negotiate here, or that its merchants carry into all parts of Asia.

Besides the ancient domains of the Golcondan kings, it is increased by a part of Bijnagar, and Orixa, this confining on Bengal, and the other neighbour to the Mogul, separated by mountains from Malabar.

This kingdom is principally celebrated for two things, viz. the port of Masulipatnam, and the diamond mines, which have been discovered for above two hundred years, and produce great quantities of those precious stones. The major part of the country of Golconda is so fertile, that it commonly produces two, and sometimes three crops of rice in a year, so that this commodity makes one of the principal articles of its trade. The cotton cloths, and among others, the painted ones of Masulipatnam; the salempouris, percales, and the betilles of Golconda and Ragamandrac; the dongis of Tatepaque; (called dougrais of Peta) and the fine betilles of Nasapori, and of Condepouli, are not the smallest objects of trade; and it is an inconceivable quantity that is yearly transported to all Asia, and of which too many are brought to Europe. The commerce of these linens passes entirely through the hands of pagans, natives of the country; though confined only to those among them called the Bannians, who compose the third class, or tribe, of those idolaters, and who are all merchants, brokers, factors, or exchangers. The indigo of Golconda hardly yields in quality to that of Lahor, though it is not so good as that of Agra; it is chiefly cultivated at Condepouli, Masulipatnam, Sadraspatnam, Gelapoudi, and Efcaines, from whence the Dutch usually fetch it to sell at Chaul and Daul to the north.

Crystal, granates, topazes, agates, amethysts, bezoar, betel, rice, steel, iron, and a plenty of refreshment for ships coming there to trade, do also constitute a part of their commerce, which is so advantageous here, and at the other ports dependant on it, to the Dutch, as to induce them many years to employ upwards of three hundred thousand pounds in goods, of which they send a part to Europe, and distribute the rest in India.

Masulipatnam is the principal port of the kingdom of Golconda, on the coast of *Coromandel*, and called so from *masuli* (a fish) and *patnam* (a city) being a name suited by the natives to its situation, which is upon a river greatly abounding in this agreeable food, as its road also does, being besides the safest in all India. These advantages draw here the merchants of all nations, and is equally commodious to them, and those of the country, for sending their ships into almost all parts of Asia; the greatest number of those bound for Pegu, Siam, Aracan, Bengal, Cochinchina, the Red-Sea, Madagascar, and the Manillas, sailing from hence; and though the exports here are the same, as those from the rest of this kingdom, it is principally for the beauty of its painted linens, that it is so well known in Europe, of which here are two sorts (as at Surate and other places in India) viz. the one painted with pencils, and the other only stamped; and notwithstanding the same colours are used in both species, those painted greatly excel in beauty. These colours, especially the red, are fixed in with a plant called chay, only found in the kingdom of Golconda along the *Coromandel* coast; and the advantage which it gives to the linens wherein it is used, is, that they become more beautiful with washing; the vivacity of the colours augmented by the water, and lasting, as one may say, longer than the stuff itself. At Masulipatnam are also found, salt, serges, some other light stuffs, and rice in greater abundance than in any other place on the coast.

CORPORATION, is a body politic, or incorporate; so called, because the persons are joined into one body. *Corporations* may be established three different ways, viz. by prescription, letters patent, or act of parliament; but are most commonly by patent or charter. London is a corporation by prescription; but though a corporation may be by prescription, yet it shall be pretended that it did originally derive its authority by grant from the king; for the king

king is the head of the commonwealth; and all the commonwealth, in respect of him, is but as one *corporation*; and all other *corporations* are but limbs of the greater body. A *corporation* is properly an investing the people of the place with the local government thereof; and, therefore, their laws shall not be binding to strangers. Ordinances made by *corporations*, to be observed on pain of imprisonment, forfeiture of goods, &c. are contrary to *magna charta*. Actions arising in *corporations* may be tried in the *corporation* courts; but if they try actions not within their jurisdiction, and encroach upon the common-law, they are liable to be punished for it.

A *corporation* may be dissolved, for it is created upon a trust; and if that trust be broken, it is forfeited. No person shall bear office in any *corporation*, &c. but such as have received the sacrament, taken the oaths, &c. And none are to execute an office in a *corporation* for more than one year. *Stat. 13 Car. II.* But see *stat. 5 Geo. I.* confirming offices in *corporations*. A *corporation* cannot sue, or appear in person, but by an attorney. They cannot commit treason, or be out-lawed, excommunicated, &c. Grants of *corporations* are to be by deed under their common seal.

CORSAIR, a pirate, or armed vessel, which plunders merchants vessels, particularly in the Mediterranean, without commission from any prince or power.

CORSICA, is an island of the Mediterranean, situate between that of Sardinia and the southern coasts of Italy. Its greatest length is computed to be about a hundred and ten Italian miles, and its breadth about eighty. It hath the state, city, and sea of Genoa on the north; Sardinia on the south, from which it is parted by a freight about eight small miles over; the Tuscan-Sea, and Naples towards the east; and the Mediterranean on the west.

It is, at present, divided into four districts, or provinces, each subdivided into cantons, called by the natives *pieves*.

The island is, in general, so woody and mountainous, and the ground so dry and stony, that few things grow in it, but by dint of labour. Some parts of it, indeed, produce good corn, wines, figs, almonds, &c. and some pasture-grounds breed, also, quantities of cattle; and their forests plenty of deer and other game, as their coasts do fish, which is very good, particularly the ton, a kind of sturgeon, and a small fish, called *fardinas*. Some good coral is likewise found about them.

However small the trade of this island may be, at present, by reason of those contentions and heart-burnings between them and the Genoese, if once it comes under the dominion of another potentate, as is not impossible, perhaps, a little time would put a new face upon their affairs, to the no great advantage, very probably, of any powers who have an interest in trading to the Mediterranean. The natives have rendered themselves famous in their struggles for liberty, and done much towards making themselves a free people; they have proved themselves a brave, daring nation, and it would be a pity any should rivet their chains, as they are worthy of a better fate.

CORTEX PERUVIANUS. See *CHINA*, *CHINÆ*.

CORTEX WINTERANUS. This is a thick bark, rolled up in pipes, externally of an ash-colour, soft, fungous, uneven, and full of clefts; inwardly solid, compact, of a rusty colour, of a hot, burning, aromatic taste, and a very fragrant smell. The tree which bears this bark grows on the coasts of the Straights of Magellan, where it was first discovered, in the year 1567, by Capt. William Winter, from whom it received its name. This bark has been, for a long time, confounded with *canella alba*, and generally reckoned to be the same: but Parkinson rightly observes, that the true Winter's bark is larger, of a more cinnamon-colour, and pepper-like taste, than the *canella alba*.

It is to be chosen in pieces not too large, with the inner, or brown part, sound and firm, and of a very sharp taste. It is apt to be worm-eaten; but in that case, it is wholly to be rejected, as having lost the far greater part of its virtue.

The English sailors, on board Captain Winter's ship, first used it by way of spice to their foods, and afterwards for the scurvy; it is good in palsies and rheumatisms; and a decoction of the leaves is good, by way of fomentation, for the parts externally affected by the scurvy. The Eng-

lish sailors made it famous for its virtues against the poison of a certain fish, common about the Magellan-Sea, and which they call the sea-lion. They eat the flesh of this fish, and fell into many illnesses by it, among which, one was attended with a peeling off the skin of their whole bodies, not without excessive pain; this they remedied by *cortex Winteranus*; but by the accounts we have of the effects of eating this fish, as they are called, they were rather symptoms of an inveterate scurvy, and, therefore, it is no wonder this bark did them great service.

COSACKS. The *Cosacks* are now divided into three branches, and the Russians, on whom they depend, call their country the Ukraine, which is in that language, seated on the frontiers, because it effectually makes a frontier between Russia, Poland, Little Tartary, and Turkey, being to the westward of the Boristhenes. As this country is an intire plain, interspersed with fine rivers, and agreeable forests, it must be supposed to be extremely fruitful, as it is in effect, and produces all sorts of grain and pulse, tobacco, wax, and honey in such abundance, that it supplies a great part of Russia with it. The pasture here is so excellent, that the cattle surpass all others of Europe in size (the Muscovite beef that we have seen has always been very small, though, we think, fatter, and superior in quality to any other.) The rivers are stocked with excellent fish, and game is found here in such quantities, that the country only wants a communication with the sea, to be one of the richest states in that part of the globe.

The *Don Cosacks*, who occupy on the banks of the river, with this Russian name, a number of towns and villages, do not extend themselves far within land, as there is a want of good water in many parts, and no wood; they live on their cattle's produce, and agriculture, without forgetting, however, to live at the expence of others, whenever occasions present.

The *Cosacks* of the river Jaicks took possession of its southern border, when the Tartarian power began to decline there; and when the Russians seized the kingdom of Astracan, the *Cosacks* voluntarily submitted to their dominion. These people live by agriculture, fishing, and the produce of their cattle, with what booty they can make. This river, at present, separates Russia from the estates of Contaisch, and its banks are so fruitful, that however little the earth be cultivated, it abundantly produces every necessary of life. It is also extremely full of fish; and it is asserted, that in the spring, so great a quantity come here from the Caspian-Sea, to seek the fresh water, as almost to stop its course, and may be taken with the bare hand; with the roes of which prodigious shoals, caught in this river, and the neighbourhood, so much caviar is made and exported to all Europe.

The Tartars of Nagai subsist by their hunting, fishing, and cattle, being subject to the Russians ever since their taking the kingdom of Astracan, which the others possessed before; the capital of the same name is seated on the frontiers of Asia and Europe, and by this convenient situation, invites a large number of Armenians, Indians, Persians, Mahometan Tartars, Calmoucks, Georgians, and Muscovites, to form a considerable trade here.

The Volga is one of the biggest rivers in the world, and traverses almost all Russia; it abounds with all sorts of fine fish, and its borders spontaneously produce most species of pulse and herbs, without any labour or cultivation.

COSTUS is a long thick root, brought from the East-Indies, of the colour of box, with a thick, pale-coloured bark, of a warm, bitterish, aromatic taste, and fragrant smell, somewhat resembling that of violets or Florentine orris. It should be chosen fresh, compact, well scented, bitterish, and not rotten.

COTTA, a sort of a measure used in the Maldives, for measuring of cauris, or cowries, a small shell that serves as money in some parts of Asia, and the greatest part of the coasts of Africa; it contains twelve thousand of those shells.

COTTON, a sort of wool, or rather flax, encompassing the seed of a tree of the same name.

The tree which produces *cotton*, grows common in several places of the Levant, and of the East and West-Indies, especially the Antilles.

Little engines, by means of a wheel, sever the cotton from the seed, with which it is mixed; so that one falls on one side, and the other on the other. It is distinguished into two kinds, cotton in the wool, and spun cotton. The first is used in quilts, bed-gowns, &c. The latter is more generally used, furnishing various cloths, muslins, callicoes, dimities, and hangings; besides, it is frequently joined with silk and flax in the composition of other stuffs.

The first kind is ordinarily brought from Cyprus and Smyrna; from the latter, ten thousand bales *per annum*; and yet there is, at least, as much employed in the manufactures of the country. They sow the seed in June, and gather it in October; and the soil is so favourable, that they can have three crops in a year.

The spun cottons are distinguished by various names: the best are those from Jerusalem, called bazacs; and those of Damascus, called cottons of the ounce. Others are demi-bazacs, baladins, payas, cottons, josephs, geneunos, &c. Cotton anciently grew in Egypt alone, and was used by the priests for a singular kind of gowns, worn by them only.

Cotton applied to wounds, in lieu of linen, produces an inflammation: which Levenhoeck found, by a microscope, to be owing to its fibres having each two flat sides; whence he concludes, that each must have two sharp edges, that not only hurt, but cut incessantly, the matter brought to produce new flesh.

Cottons. Not within 27 *Hen. VIII.* concerning the true making of cloths. 27 *Hen. VIII. c. 12. f. 3.*

Clauses concerning the length, breadth, and weight of cottons in general. 43 *Eliz. c. 10. f. 4, 5, 6.*

And particularly of Welsh and Lancashire, or Cheshire cottons. 5 and 6 *Edw. VI. c. 6. f. 16, 25.* 4 and 5 *Phil. and Mar. c. 5. f. 11, 13.* 3 *Jac. I. c. 17. f. 5.* 3 *Car. I. c. 4. f. 26.*

Concerning the putting of hair, flocks, or yarn in cotton. 5 and 6 *Edw. VI. c. 6. f. 26.* 18 *Eliz. c. 18. f. 3.* 43 *Eliz. c. 10. f. 1.* 21 *Jac. I. c. 18. f. 5.*

Restraint on the exportation of cotton, or offering it to sale before it is duly sealed. 5 and 6 *Edw. VI. c. 6. f. 29, 30.* 4 and 5 *Phil. and Mar. c. 5. f. 21, &c.*

Amends to be made by those that shall export faulty cottons. 5 and 6 *Edw. VI. c. 6. f. 35.* 4 *Phil. and Mar. c. 5. f. 18.* 43 *Eliz. c. 10. f. 9, 10.*

Penalties on those that shall counterfeit, or unduly set to, or take away any seals. 5 and 6 *Edw. VI. c. 6. f. 48.* 4 and 5 *Phil. and Mar. c. 5. f. 20.*

Those that buy Welsh cottons to sell again, shall put them to sheermen, cottoners, or frizers, to be wrought. 4 and 5 *Phil. and Mar. c. 5. f. 12.* 8 *Eliz. c. 7. f. 4, 5.*

Workers of cotton to be paid in money. 8 *Eliz. cap. 7. sect. 6.*

Penalty on manufacturers embezzling cotton, &c. 1 *Ann. stat. 2. c. 18. f. 1.*

Cotton manufactures, to what duties liable on importation. 4 *Will. and Mar. c. 5. f. 2.* 3 and 4 *Ann. c. 4. f. 8.*

Freed from duties on exportation, and all draperies freed from aulnage duties, 11 and 12 *Will. III. c. 20.*

Justices of peace to punish workmen in embezzling cotton, and the receivers, and to hear and determine the wages, frauds, and defaults of workmen. 1 *Ann. stat. 1. c. 18.* 13 *Geo. II. c. 8.*

Penalties for wearing callicoes extended to stuffs made of, or mixed with, cotton. 7 *Geo. I. stat. 1. c. 7. f. 10.* 9 *Geo. II. c. 4.*

Stealing cotton out of places used for whitening or drying it, felony without benefit of clergy. 4 *Geo. II. c. 16.* 18 *Geo. II. c. 27.* See *CALLICOE, EAST-INDIA.*

COUCA. See *AFRICAN COASTS.*

COUIT, called also guz, a sort of aune used at Mocha, for measuring linens and silks, of about twenty-four inches long.

COULANG is a kingdom in the peninsula of India, on the coast of Malabar, whose principal trade consists in pepper, which the European ships and Indian junks come here to load; and there is on the coast a fishery for pearls, pretty considerable, which belongs to the king.

COUNTERFEITS. Persons obtaining any money, goods, &c. by counterfeit letters or false tokens, being convicted before justices of assize, or justices of peace, are to

suffer such punishments as shall be thought fit, under death; as imprisonment, pillory, &c. *Stat. 33 Hen. VIII. cap. 1.* It was the opinion of Sir Edward Coke, that upon this statute the offender could not be fined; and that only corporeal pains ought to be inflicted: but it hath been otherwise adjudged in Terry's case, who by a false note, in the name of another, obtained into his hands a wedge of silver of the value of two hundred pounds; and, on conviction thereof, was sentenced to stand in the pillory pay a fine of five hundred pounds to the king, and be imprisoned during the king's pleasure; and to be bound with sureties for his good behaviour. *Cro. Car. 564.* The obtaining of money from one to another's use, upon a false pretence of having a message and verbal order to that purpose, is not punishable by criminal prosecution; it depending on a bare naked lie, against which, common prudence and caution may be a security. 6 *Mod. 105.* 1 *Hawk. P. C. 188.* Counterfeiting the king's seal; or money, &c. which is treason, *vide* TREASON: and counterfeiting exchequer-bills, bank-bills, lottery-orders, &c. which are felony.

A clothier of G. made cloths, which were dearer and more vendible than the cloths of any other, and he put a special mark upon them; another clothier counterfeits the said mark, and puts it on his cloths, which were not so good, but yet sells them as dear as the other; action on the case lies against him; Doderidge, justice, says it was adjudged 23 *Eliz. in C. B.* but says not whether the action lay for the vendee; but it seems it is for the vendee. 2 *Roll. Rep. 28.*

COUPANT, an oval piece of silver or gold of Japan, of various sizes. The biggest of the gold ones weigh an ounce and three-fourths, which at sixty-three shilling sterling *per ounce*, comes to five pounds ten shillings and three-pence; others, about one-third as big both in size and weight, are worth one pound sixteen shillings and nine-pence. The silver weigh about seven penny-weights and a half, and all these pieces are not properly coin, but are taken by weight as such.

COUPANT is also a small weight, used in the Isle of Borneo, for weighing diamonds, between thirty and forty carats.

COURLAND: The small state of Courland has properly but one port of the Baltick-Sea; which is Libaw. Memel, at the entrance of the gulph of Courland, although it belongs to Ducal Prussia, we insert it here, as it is between these two cities that all the trade of this country is transacted, of which wood and grain make the most considerable part. Linseed, shipped from hence in great quantities, is the most esteemed of any in the North, whereof large parcels are used in Holland for extracting its oil, and in France and Flanders for sowing; and this trade is sufficient to employ twenty-five ships yearly in it from Holland only.

COURON, is more properly a sum than any particular specie of money, being used at the court of the grand Mogul, to express the great sums in the finances of that sovereign, near the same as in France; and other European courts, where these are reckoned by millions. It has been falsely called by Monsr. Savary, coroure, courou, and crou, for its proper expression is couron, being in accounts ten millions of rupees, or a hundred lakes, or lacks, the lack making a hundred thousand rupees; a hundred courons make one padan, and a hundred padans one nil, though these two last run up so high, as to be almost out of use.

There never was an occasion to have the value of courons so well known or considered, either in Europe or Asia, till the occurrence at the beginning of 1739, by the rapid and unheard-of expedition of the famous Thomas Koulikan, schach-nadir of Persia, against the city of Dehly, capital of the great Mogul's dominions, of which an exact relation arrived to us in 1740, by way of Constantinople, and made the booty taken there amount to a hundred and eleven courons, which (valuing the rupee at three French livres, or thirty Dutch stivers) makes 3330 millions of livres Tournois, or 1665 millions of guilders; a sum and capture so immense, as to stand unexampled in history; and what makes it the more surprizing is, that almost all these riches were taken in the city of Dehly only. And the last would seem incredible, if it was not known that

the silks, cottons, and other goods, the manufactures and growth of this vast empire, attract and bring in plate here from most parts, both of Asia and Europe, by the many ships that come yearly to purchase their loadings with this metal, Indostan being an abyss for it, where all that which America yields, is, sooner or later, swallowed up by falling into the hands, either of the prince, or his rajas, who never let the value of a shilling return. Thomas Kouli-Kan having restored the empire he had conquered to the Mogul, imposed on him (by treaty) an annual tribute of three courons, or 30,000,000 rupees; which, we suppose, he has been able to shake off, since the troubles in Persia. We hope this little history will not be disagreeable to our readers, to whom we have been tempted to offer it, by the extraordinary and uncommon circumstances of the affair, and under the supposition, that so punctual a detail of it may not have fallen into every one's hands.

CRABS-CLAWS, in pharmacy, the tips of the claws of the common crab, broken off at the verge of the black part. The blackness, however, is only superficial, they being of a greyish white within, and when levigated, furnish a tolerable white powder.

The crabs-claws are of the number of the alkaline absorbents; but they are superior to the generality of them in some degree, as they are found, by a chemical analysis, to contain a volatile urinous salt. They are always kept in the shops levigated to a fine powder, and are sometimes, though very rarely, prescribed singly; they are the basis of the famous Gascoign powder, the *lapis contrayerva*, and many other of the compound sudorific powders.

CRABS-EYES, in pharmacy, the bodies kept in the shops under the title of *crabs-eyes*, and which the prevailing custom makes it necessary for us to retain them under, have no manner of right to the name: they are neither the eyes of any creature, nor do they belong to the crab, but to another of the crustaceous animals.

They are small whitish bodies, in size from the bigness of a pea to that of the largest horse-bean: they are rounded on one side, and depressed and sinuated on the other: they are considerably heavy, moderately hard, and without smell; their taste is like that of the other parts of testaceous matter of the animal that produces them.

This animal is not of the crab kind, though of the same class of testaceous creatures: it is the common crawl-fish: the large sea-crawl-fish, also, affords them; and the stones are so far from being properly eyes, that they are bred in the creature in two separate bags, one on each side of the stomach. Every crawl-fish will be found to have them in these bags at all times, except in the month of July, and part of those of June and August: this is the season at which this creature casts its shell; and at this season, only, the stones are not found in their places. The shell is not the only part they change on this occasion; the very stomach submits to the same fate, and is consumed and digested by a new one growing in its place: as soon as it is completely formed, a milky juice is secreted in the new bags, and from this new stones, or what we call *crabs-eyes*, are soon after formed.

We have them from Holland; they are brought also from Muscovy, Poland, Denmark, Sweden, and many other places: what we have are, some of them, probably taken out of the bodies of the animals; but the far greater part are picked up on the shores of the Baltic, and of other seas and large rivers.

They are alkaline and absorbent, and, in some degree, diuretic: they are sometimes prescribed singly, and are an ingredient in many of the official compositions.

CRANAGE, is a liberty to use a crane, for the drawing up of wares from the vessels at any creek of the sea or wharf, unto the land, and to make profit of it. It signifies also the money taken, and paid for the same. *Stat. 22 Car. II. c. 11.*

CRANE, a machine greatly used in building and commerce for raising large stones, and other weights.

CRAPE, a light transparent stuff, resembling a gauze, made of raw silk, gummed and twisted in the mill, wove without crossing, and much used in mourning.

CRAYON, a general name for coloured stones, earths, and other minerals, used in designing, or painting in pastel; whether they have been beaten and reduced to a paste, or used in their primitive consistence, after sawing or cutting them into long narrow slips.

CREAM of TARTAR, called also *crystals of tartar*, in pharmacy, a preparation of tartar.

Cream of tartar is a gentle purge. It attenuates and resolves tough humours, and is good against obstructions of the viscera, and in cachectic complaints.

Angelus Sala prefers it to all other medicines in the cholic, having cured himself, when every thing else failed, with six drachms of the crystals dissolved in warm broth; and a repetition of the same medicine three or four times, at proper intervals, prevented a relapse. A drachm or two is the proper quantity, when mixed with other purgatives as a stimulus; but, when taken as a purge alone, half an ounce, six drachms, or an ounce is to be given, according to the patients strength. It is a very good adjunct to chalybeate medicines, assisting them greatly in opening obstructions.

CREDIT, in commerce, a mutual trust or loan of merchandizes or money, on the reputation of the probity and sufficiency of a dealer.

Letters of CREDIT, are those given to persons by a merchant, to take money of his correspondents abroad. See *Bills of Exchange*.

CREDITOR, a person to whom any sum of money is due, either by obligation, promise, or otherwise.

CREEK, is a part of a haven, where any thing is landed from the sea. So that when you are out of the main sea within the haven, look how many landing-places you have, so many creeks may be said to belong to that haven.

Creeks are places where commonly officers are, or have been placed, by way of prevention, not out of duty or right of attendance, and are not lawful places of exportation or importation, without a particular licence or licence-rance, from the port or member under which it is suffered.

CRIMATI, or **CRIMATIA**, is a small island in the Indian Sea, about four or five leagues distant from Borneo, where is a diamond-mine, and some pearls are found on its coasts, both which commodities the inhabitants carry to sell at Malacca; and they are so jealous of these jewels, as to deny any foreigner admittance among them.

CRIMSON, one of the seven red colours of the dyers. See *COLOUR*.

CROCUS, *saffron*. There are three sorts of saffron to be met with in the shops; two of which are brought from abroad; the other is the produce of our own country: the latter is vastly preferable to the two former; and is the sort which should be alone made use of in medicine. This, when in perfection, is of a fiery red colour, and yields a very deep yellow tincture: it should be chosen fresh, not above a year old, in close compact cakes, neither dry nor yet very moist, of the same colour within as without, and of a strong acrid smell. The English may be distinguished from the foreign sorts, by its blades being broader than those are. Saffron imparts all its colour, strength, and virtue, both to rectified spirits, and common water: a tincture drawn with the latter menstruum is apt to grow sour, and then loses its colour; but, extracted with the former, will keep in perfection for many years. This drug loses greatly of its medicinal virtues, by being exposed to the air; or by being much dried, though with the utmost caution.

CROWN, in commerce, a general name for coins, both foreign and domestic, which are of, or very near, the value of five shillings sterling.

CROWS FEET, in a ship, are a number of small ropes or lines, going from the tops to the stays. Their principal use is to prevent the topmasts from hitching under the tops, when they are hoisted.

CRUIZERS, are commonly the best sailing ships, appointed by the admiralty to cruise in some certain latitudes, in order to meet with, and apprehend, or destroy the enemy; they are generally of the smallest rates, and must by no means leave their stations during the time limited, except forced thereto by some damage received, or by stress of weather. By the 6 *Ann. c. 13.* it was enacted, that besides the line of battle ships, forty and three others should be employed, as cruisers and convoys for the better preservation of trading vessels; four of which were to be third rates, and sixteen fourth-rates, and the rest of sufficient force to guard our commerce; they were to attend (as before-mentioned) in certain stations, and the commissioners of the

admiralty

admiralty may direct those of the navy, or some one, or more persons, resident at such places as his majesty shall appoint, to superintend and oversee every thing relating to those cruisers; though the commissioners of the admiralty have also power to order any of the said ships to be employed in the line of battle in case of need.

Several subsequent acts have confirmed the above, and increased the number of cruisers as necessity has required; to the no small security of our maritime interest, which suffered much less in the last war, by these prudent preventions; than could have been expected, when the vast number of the enemy's privateers was remembered; though we should certainly do injustice to the bravery and vigilance of our own, should we not impute a great part of our merchant-ships preservation and the enemy's distress to their courage and conduct, which, in many instances, was signalized very conspicuously.

CRYSTAL, in natural history, the name of a very large class of fossils: the three most general forms *crystal* appear under are, 1. That of angular columns, terminated at one end by angular pyramids, and at the other affixed to some solid body. 2. That of loose and detached nodules regularly figured, terminated at each end by the angular pyramids. Some of these have a column between the two pyramids, and others are only formed of the two pyramids themselves, applied base to base. The third general form is the globose or round, like our common pebbles.

The *pebble crystal* is common enough in most parts of the world; but that which is formed of hexangular columns, affixed to a solid base at one end, and terminated by an hexangular column at the other, is infinitely more so. This is what we call *spring* or *rock crystal*; and this is the species described by the generality of authors, under the name of *crystal* of the shops. This is a very regular and beautiful body; its form is that of an oblong column composed of six unequal planes.

The *crystal*, when pure, is colourless, and pellucid as the purest water; but it is very apt to be fouled by white spots and flaws. It is met with of various sizes, but usually between one and three inches. The planes that constitute the pyramid are very various in their manner of differing from one another.

It is to be chosen the clearest, purest, and most transparent that can be had, and proved with aqua fortis, as also by drawing a point of it along a pane of glass; if spar, it will leave no mark; but, if *crystal*, it will make a slight scratch upon it.

It is found in vast abundance in many parts of England and Ireland, particularly in the county of Kerry. In Germany it is yet more frequent than with us, the fissures of stone and the caverns in mines being almost always incrustated with it. We frequently meet with it about Bristol, of an amethystine or purplish tinge; and in Silesia and Bohemia it is very frequently found stained to the colour of a ruby, sapphire, emerald, and topaz. In either of these states, when pure, our jewellers sell it under the name of occidental sapphire, &c. These coloured *crystals* are usually somewhat softer than the pure colourless ones.

CUBEBS are a dry, round fruit, or grain, like pepper, sometimes a little bigger, furnished with a long, slender stalk. The bark is of a dark ash-colour, wrinkled, sometimes smooth: it contains, under a tender shell, a roundish seed, which is externally of a blackish, internally of a whitish colour. *Cubebs* have a hot, aromatic taste, which falls far short of the acrimony of pepper, which nevertheless copiously, and for a long time, promotes the excretion of saliva. There are two kinds of *cubebs* brought from the East-Indies: one is gathered before, and the other as soon as fully ripe: those of the former kind are bright, wrinkled, and have their kernel much shrunk; the others are smooth, full, and heavy. *Cubebs* should be chosen large, fresh, and heavy. Distilled with water, they yield a considerable quantity of aromatic essential oil.

CUMBERLAND. The manufactures of this county are rugs, Turkey-worked chairs, pennistones, half-thicks, duffels, &c. at Penrith are made large parcels of leather; and from Whitehaven are shipped great quantities of salt and coals; copper is found in plenty at Newland and Keswick, and at the latter there is black-lead, the only

place, as some say (though we believe erroneously) for it in Europe; here are likewise good lead-mines, and the plain part of the country produces corn; as the hilly part does grass; the celebrated fish charr, is caught in its meer called Ulles-water (which also borders on Westmoreland) and no where else, but in Lancashire, in England. Here in several parts are good dairies, and this, with Northumberland, sends up to London, yearly, about fifteen thousand firkins of butter, which are chiefly shipped at Newcastle, though some from Blyth; and these two counties produce besides, between two and three thousand firkins; which are sent directly into Kent. At Carlisle is a good fabric of fine linen, in which about twenty-five weavers are employed all the year through; and large parcels of leather are also made in this city and suburbs.

CUMMIN-SEED, in pharmacy, a long, slender seed, scarce so thick as the ani-feed, but nearly twice its length; its surface is striated with several deep longitudinal furrows, prominent on one side and flattened on the other, and usually is somewhat crooked in drying; of a tough texture, not easily powdered, unctuous when bruised, and of a dusky greenish brown colour. It is of a very strong, but not disagreeable smell, and of an acrid and pungent taste.

Cummin-feed is to be chosen new, large, and clean. Europe is, in a great measure, supplied with it from the island of Malta, where it is cultivated in fields as corn with us.

Cummin-feed, on a chemical analysis, affords a large quantity of an essential oil, an austere ill-tasted phlegm, containing an acid, and with it an urinous salt. It is a very good carminative and stomachic. It is given with great success in cholics, and often vertiges and other diseases of the head, arising from disorders in the stomach. It is used externally in cataplasms and fomentations with great success, wherever a warm discutient is required. *Cummin-feed* bruised, put into a bag and moistened by sprinkling brandy over it, is frequently applied to the belly in cholics, and that with success. The essential oil, drawn by distillation with water in the alembic, is one of the best carminatives in the *Materia Medica*; it is less pleasant, indeed, than that of anise or carraway; but it is greatly more efficacious. Its dose is two or three drops on sugar; and in this small quantity it seldom fails of giving immediate relief in the most racking pains of the cholic. The good women have also a way of dropping it on a piece of warm bread, and applying it externally in uterine complaints. The seed is an ingredient in several shop-compositions, intended for external, as well as internal use.

CUNCAN, which some make a kingdom of itself, and others place it among the provinces of Decan, is noted for the city of Goa, seated in it; besides which, it has nevertheless four others, viz. Visapour, Saliapour, Paranda, and Wingurla, where some traffic is established, in all things similar to that of Decan. See *GOA*.

CURCUMA, *turmeric*. Turmeric is a long, slender, tuberous, knotty root, outwardly of a saffron-colour, of a warm, bitterish taste, and not ungrateful smell. There are two kinds of it; the long and round; the former is that of the shops. That which is firm, and of a lively yellow-colour in breaking, is accounted the best.

CURRENTS, in commerce, signify a smaller sort of grapes, which took their name from their growing in plenty about Corinth, though we have them principally from Zant and Cephalonia: they only gather them off the bunches, and lay them to dry in the sun, and so put them up in large butts. These are opening and pectoral, being helpful against coughs and consumptions. But they are more used in the kitchen than in medicine; they are of a temperate quality, mitigate the heat in fevers, allay thirst, and loosen the belly.

CURRENCY. In the British dominions in America and the West-Indies, they keep their accounts in pounds, shillings, and pence, as they do in London; and in America they generally call their money *currency*. In most of the British settlements upon the continent of America, they have few coins of any sort circulating among them; what few they have are generally French and Spanish pieces: so that they are obliged to substitute a paper *currency* for a medium of their commerce, for want of a competency of cash, for circulation.

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The following table shews at what value the foreign coins are to pass in the English colonies and plantations on the islands in America, according to an act of parliament made in the sixth year of queen Anne for ascertaining their values.

The TABLE.

	Weight Fr.			val. cur. val.			
	dwt.	gr.	f.	d.	f.	d.	q.
Dollar (old plate) of Seville	17	12	4	6	6	0	
Ditto of new	14	0	3	7	$\frac{1}{4}$	4	$2\frac{2}{3}$
Mexico ditto	17	12	4	6	6	0	
Pillar ditto	17	12	4	6	$\frac{3}{4}$	6	0
Peru ditto (old plate)	17	12	4	5	5	10	$2\frac{2}{3}$
Crofs dollar	18	0	4	4	$\frac{3}{4}$	5	$1\frac{1}{3}$
Ducatoon of Flanders	20	21	5	6	7	4	
French crown, or ecu	17	12	4	6	6	0	
Crufadoe of Portugal	11	4	2	10	$\frac{1}{4}$	3	$2\frac{2}{3}$
Three guil. piece of Holland	20	7	5	2	$\frac{1}{4}$	6	$3\frac{1}{3}$
Old rix-dollar of the empire	18	10	4	6	6	0	

The half-quarter, and other parts in proportion to their denomination; and light pieces in proportion to their weights.

And to remedy the inconveniences which were caused by the different rates at which pieces of the same species were current, it was ordered by proclamation, and confirmed by the parliament, that after the first of January, 1704, no Pillar, Mexico, or Seville pieces of eight, though of full weight, as above, shall be received nor paid at above six shillings a piece, and the half, quarters, and other less pieces in proportion.

And the currency of all the other pieces above mentioned are not to exceed the same proportion.

And the said act enjoins, that if any one shall receive or pay any of the said pieces for any more than as above, they shall forfeit ten pounds.

A West-India Table.

When any sum is advanced upon an ounce of sterling silver, above five shillings for an ounce; or when any sum is advanced over four pounds for an ounce of standard gold, this table shews how much the advanced money amounts to *per cent.* from fifty pounds advanced upon (four pounds) an ounce of standard gold, to the thirty-second part of a penny; and upon silver, from two pounds advanced upon (five shillings) an ounce to the hundred and twenty-eighth part of a penny.

The TABLE.

	On gold per cent.		
	l.	s.	d.
50 Pounds adv. on 4l. amounts to 1250	1250	—	—
45 Pounds on ditto to	1125	—	—
40 Pounds	1000	—	—
35 Pounds	875	—	—
30 Pounds	750	—	—
25 Pounds	625	—	—
20 Pounds	500	—	—
19 Pounds	475	—	—
18 Pounds	450	—	—
17 Pounds	425	—	—
16 Pounds	400	—	—
15 Pounds	375	—	—
14 Pounds	350	—	—
13 Pounds	325	—	—
12 Pounds	300	—	—
11 Pounds	274	—	—
10 Pounds	250	—	—
9 Pounds	225	—	—
8 Pounds	200	—	—
7 Pounds	175	—	—
6 Pounds	150	—	—
5 Pounds	125	—	—
4 Pounds	100	—	—
3 Pounds	75	—	—

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	On gold per cent.			On silver per cent.		
	l.	s.	d.	l.	s.	d.
2 Pounds	50	—	—	800	—	—
1 Pound	25	—	—	400	—	—
19 Shillings an ounce	23	15	—	380	—	—
18 Shillings	22	10	—	360	—	—
17 Shillings	21	5	—	340	—	—
16 Shillings	20	—	—	320	—	—
15 Shillings	18	15	—	300	—	—
14 Shillings	17	10	—	280	—	—
13 Shillings	16	5	—	260	—	—
12 Shillings	15	—	—	240	—	—
11 Shillings	13	15	—	220	—	—
10 Shillings	12	10	—	200	—	—
9 Shillings	11	5	—	180	—	—
8 Shillings	10	—	—	160	—	—
7 Shillings	8	—	15	140	—	—
6 Shillings	7	10	—	120	—	—
5 Shillings	6	5	—	100	—	—
4 Shillings	5	—	—	80	—	—
3 Shillings	3	15	—	60	—	—
2 Shillings	2	10	—	40	—	—
1 Shilling	1	5	—	20	—	—
11 Pence on an ounce	1	2	11	18	6	8
10 Pence	1	0	10	16	13	4
9 Pence	0	18	9	15	—	—
8 Pence	0	16	8	13	6	8
7 Pence	—	14	7	11	13	4
6 Pence	—	12	6	10	—	—
5 Pence	—	10	5	8	6	8
4 Pence	—	8	4	6	13	4
3 Pence	—	6	3	5	—	—
2 Pence	—	4	2	3	6	8
1 Penny	—	2	1	1	13	4
3 Farthings on an oz.	—	1	$6\frac{3}{4}$	1	5	—
2 Farthings	—	1	$0\frac{1}{2}$	—	16	8
1 Farthing	—	—	$6\frac{1}{4}$	—	8	4
$\frac{1}{8}$ of a penny	—	—	$3\frac{1}{8}$	—	4	2
$\frac{1}{16}$ of a penny	—	—	$1\frac{9}{16}$	—	2	1
$\frac{1}{32}$ of a penny	—	—	$\frac{1}{32}$	—	1	$0\frac{1}{2}$
$\frac{1}{64}$ of a penny	—	—	—	—	—	$6\frac{1}{2}$
$\frac{1}{128}$ of a penny	—	—	—	—	—	3 $\frac{1}{2}$

Explanation of the table.

Suppose that silver was bought in Jamaica at 7s. 5 $\frac{1}{2}$ d. of their currency per ounce, to know how much the advance money amounts to per ounce?

From the given price in currency 7s. 5 $\frac{1}{2}$ d. per oz.
Subtract the sterling value 5 0 per ditto

Then remainder the sum advanced 2 5 $\frac{1}{2}$ per ditto.

Then to know how much the advanced price amounts to per cent. look at the foregoing calculation.

First, for 2s. upon silver, which 1. s. d.
amounts to 40 0 0 per cent.
Then look for 5 d. which is 8 6 8 per cent.
Then look for $\frac{1}{2}$ d. which is 0 16 8 per cent.

The 2s. 5 $\frac{1}{2}$ d. adv. on the oz. amts. to 49 3 4 per cent.
which is the discount that currency should be at, when silver is sold for 7s. 5 $\frac{1}{2}$ d. per oz.

An example for gold.

Suppose that gold is bought at Carolina at 9l. 15s. 7d. of their currency per ounce, and you would know how much the advanced sum amounts to per ounce?

1. s. d.
From the given price 9 15 7 per oz.
Take the sterling value 4 0 0 per oz.

The rem. is the advanced price 5 15 7 per oz.

Then to know how much the advanced price upon the said ounce of gold amounts to per cent.

In the foregoing table look for 5l. which amounts to
 Then look for 15s. which is
 Look also for 7d. which is

l.	s.	d.
125	0	0 per cent.
18	15	0 per cent.
0	14	7 per cent.

The sum total shews that 5l. 15s. 7d. advance upon an oz. of gold is at the rate of

144	9	7 per cent.
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Which is the discount that currency should be at, when an ounce of gold valued at 4l. sterling, is sold for 9l. 15s. 7d. of their currency. Then to know how much any sum of their currency will amount to in sterling, or the contrary. See IRELAND for its Currency.

CURRIER. This is a black greasy business, and requires no other abilities in the youth designed to be put apprentice to it besides strength. The currier dresses leather for shoes, boots, saddles, &c. and some of them work only for the coach-makers; but of these last we have already given an account. The common currier takes with an apprentice from ten to fifteen pounds; and pays his journeymen fifteen shillings a week. To set up master will take from two hundred to five hundred pounds.

CUSTOM of Merchants. Merchants giving characters of strangers to those who sell their goods, are liable to the debts of such strangers for the goods sold, by the custom of merchants. *Lex. Mercat. c. 10. f. 69.* If two persons be found in arrear, upon an account grounded upon the custom of merchants, any one of them may be charged to pay the whole sum that both were found in arrear. *1 Lill. Abr. 376.* And if two joint merchants occupy their stock and merchandize in common, one of them naming himself a merchant, shall have an account against the other, and charge him as receiver. *Co. Litt. 172.* By the custom of merchants, where a merchant orders his factor to buy goods of a particular person, there the merchant is debtor, and not the factor: but it is otherwise where the merchant orders his factor to buy goods generally, without saying of whom; here the factor is debtor, though the goods come to the use of the merchant. *1 Lill. 376.* The custom of merchants as to bills of exchange, &c. See BILL OF EXCHANGE and MERCHANT.

CUSTOMS, are used for the tribute or toll that merchants pay to the king, for carrying out and bringing in merchandize. *Stat. 14 Edw. III. cap. 21.* They are duties payable to the crown for goods exported and imported, and are due to the king of common right; first, because the subject hath leave to depart the kingdom, and to export the commodities thereof; secondly, for the interest which the king hath in the sea, and as he is guardian of, and maintains all the ports wherein the commodities are exported or imported; and lastly, for that the king protects merchants from enemies and pirates. *Dyer 43.* The word *custom* comprehends *magna & antiqua customa*, which is payable out of our own native commodities, as for wool, woollens, and leather; and *parva customa*, which are *customs* payable by merchants, strangers, and denizens: and these began in the reign of *Edw. I.* when the parliament granted him three-pence in the pound for all merchandizes exported and imported, *ibid. 165.* But that which is granted by parliament, is properly called a subsidy; and sometimes granted to the king for life; and there are several sorts of these subsidies, as tonnage, a duty granted out of every ton of wine imported, which was first granted by parliament to king *Edw. III.* And poundage, a subsidy granted for all goods exported and imported, except wines, &c. and is usually the twentieth part of the value of the goods, or twelve-pence in the pound; and this was first given to *Hen. VI.* for life. *1 Nels. Abr. 583, 584.* In the reign of *Edw. III.* it was enacted, that no new *customs* could be levied, nor ancient increased, but by authority of parliament. *2 Inst. 60.*

By magna charta, *9 Hen. III. c. 30.* merchants may buy and sell by the ancient and right *customs*. See *2 Inst. 58.*

The ancient accounting for *customs*, *Stat. de Scac. 51 Hen. III. stat. 5. f. 6.*

The *customs* upon wine, cloth, &c. suspended, *Stat. de Staundford. 2 Edw. II.*

Credit shall be given to merchants papers for the value of his goods. *27 Edw. III. stat. 2. cap. 26.*

No master shall lose his ship for a trifle not customed without his knowledge. *38 Edw. III. c. 8.*

No customer or comptroller shall have ships, or meddle with the freight, *14 Rich. 2. c. 10.* or keep wharfs or taverns. *20 Hen. VI. c. 5.*

Officers of the *customs* shall have their offices at will. *14 Rich. II. c. 10. 17 Rich. II. c. 5. 1 Hen. IV. c. 13. 31 Hen. VI. c. 5.*

Customers and comptrollers shall reside upon their offices, and not make deputies. *1 Hen. IV. cap. 13. 4 Hen. IV. c. 20.*

Ships shall be laden and discharged in the great ports, and not in creeks. *4 Hen. IV. c. 20.*

The searchers shall reside on their office, and make no deputy, nor take more fees than shall be appointed. *4 Hen. IV. c. 21.*

No common hostiler shall be an officer of the *customs*. *11 Hen. IV. c. 2.*

The officers shall not be absent above three weeks. *13 Hen. IV. c. 5.*

Officers concealing the monies received, to forfeit treble value. *3 Hen. VI. c. 3. 18 Eliz. c. 9. f. 5.*

Shall give discharges for *customs* paid. *11 Hen. VI. c. 15.*

Sealing blank coquets prohibited. *11 Hen. VI. c. 16.*

Officers not to have ships, wharfs, or taverns. *2 H. VI. cap. 5.*

Goods imported into Wales, and thence into England, without paying *customs*, forfeited. *20 Hen. VI. cap. 7.*

Penalty of forty pounds on officers distraining ships or goods unduly. *28 Hen. VI. c. 5.*

Offices how to be granted, *31 Hen. VI. c. 5.*

Subsidies granted to the king for life. *12 Edw. 4. c. 3. 6 Hen. VIII. c. 14.*

One man's goods not to be entered in another's name. *3 Hen. VII. c. 7. repealed, 1 Hen. VIII. c. 5.*

Certificate to be made of goods removed to another port. *3 Hen. VII. c. 7. 11 Hen. VII. cap. VI.*

No common officer in a borough to be a customer. *3 Hen. VII. c. 7.*

No alien made denizen shall pay alien's *custom*. *1 Hen. VII. c. 2. 11 Hen. VII. c. 14. 22 Hen. VIII. c. 8.*

One Englishman may enter goods in another Englishman's name. *1 Hen. VIII. c. 5.* but not to defraud the king of his *customs*. *2 and 3 Edw. VI. c. 22.*

Subjects sworn to foreign princes to pay as aliens. *14 and 15 Hen. VIII. c. 4.*

Returning to be restored, and have a writ out of chancery. *14 and 15 Hen. VIII. c. 4. sect. 3.*

Penalty on officers giving false certificates. *33 H. VIII. c. 7. f. 5.*

Customable goods to be laden and landed in the day-time, and in an open place. *1 Eliz. c. 11.*

Penalty on officers concealing offences. *1 Eliz. c. 11. f. 7.*

This act not to prejudice certain Welch counties. *1 Eliz. c. 11. sect. 12.*

Grant of the subsidies of tonnage and poundage. *12 Car. II. c. 4.*

Rates on merchandize. *12 Car. II. c. 4.*

Appropriation of duties to aggregate and general funds. *1 Geo. I. c. 12. 3 Geo. I. c. 7. 12 Geo. II. c. 21.*

Goods which may be exported. *12 Car. II. c. 4. f. 10.*

Divers goods imported in foreign ships deemed aliens goods. *12 Car. II. c. 18. f. 11.*

Penalty on officers of *customs* allowing privilege to ships unduly. *12 Car. II. c. 18. f. 9.*

A duty on French ships. *12 Car. II. c. 18. f. 17.*

A warrant of assistance to be granted to search for uncustomed goods. *12 Car. II. c. 19.*

For preventing frauds in the *customs*. *13 and 14 Car. II. c. 11.*

No ships shall be above three days in coming from Graveend. *13 and 14 Car. II. c. 11. f. 2.*

Ships not to take on board goods outward bound before entry. *13 and 14 Car. II. c. 11. f. 3.*

Officers of the *customs* may search ships. *13 and 14 Car. II. c. 11. f. 4.*

- The penalty of abusing officers. 13 and 14 *Car. II. c. 11. f. 6.*
- Foreign built ships not to have the privilege of English. 13 and 14 *Car. II. c. 11. f. 6.*
- Goods not to be landed or water borne but in presence of an officer. Nor carried coastwise without a cocquet. 13 and 14 *Car. II. c. 11. f. 7.* The king to appoint ports for landing. *Ibid. f. 14.*
- Officers, where disabled. 13 and 14 *Car. II. c. 11. f. 8.* 4 *Will. and Mar. c. 5. f. 23.*
- There shall be no party jury in causes of the *customs*. 13 and 14 *Car. II. c. 11. f. 11.*
- Penalty on officers guilty of bribery, 13 and 14 *Car. II. c. 11. f. 19.* Penalty on persons offering bribe, 9 *Geo. II. c. 23. f. 24.*
- Goods not to be brought from the Netherlands or Germany. 13 and 14 *Car. II. c. 11. f. 23.*
- Penalty on French ships not paying duty. 13 and 14 *Car. II. c. 11. f. 24.*
- For the rating of vinegar, perry, rape, and cyder. 13 and 14 *Car. II. c. 11. f. 25.*
- Defendants may have commission to examine witnesses beyond sea. 13 and 14 *Car. II. c. 11. f. 29.*
- Penalties of extortion. 13 and 14 *Car. II. c. 11. f. 34.*
- Duty on small ships going to the Mediterranean. 13 and 14 *Car. II. c. 11. f. 35.*
- Vessels of fish excepted. 13 and 14 *Car. II. c. 11. f. 36.*
- Penalty for resisting officers of the *customs*. 15 *Car. II. c. 7. f. 19.*
- Aliens duties taken off from native commodities. 15 *Car. II. c. 6.*
- The impost 1690 laid. 2 *Will. and Mar. stat. 2. c. 4.*
- The impost 1690 continued and made perpetual by 9 *Ann. c. 21.* and 3 *Geo. I. c. 9.* and part of the South-Sea fund.
- During the continuance of the act 2 *Will. and Mar. stat. 2. c. 4.* there shall be an officer in London to receive the monies, 2 *Will. and Mar. stat. 2. c. 10. sect. 20.* Officers fees for extraordinary attendance. 6 and 7 *Will. III. c. 7. f. 14.*
- The impost 1692 continued and made perpetual by 9 *Ann. c. 21.* and 3 *Geo. I. c. 9.* and part of South-Sea fund.
- Notice to be given of importing alamodes. 4 *Will. and Mar. c. 5. f. 14.*
- Penalties on insuring prohibited or unaccustomed goods. 4 *Will. and Mar. c. 15. f. 14.*
- Commissioners to be sworn before the barons of the exchequer. 6 *Will. and Mar. c. 1. f. 5.*
- Any one may sue for penalty of insuring uncustomed goods. 8 and 9 *Will. 3. c. 36.*
- How debentures are to be allowed, 7 and 8 *Will. III. 10. f. 12.*
- Additional duty on French goods, 7 and 8 *Will. III. c. 20. f. 3.* Made perpetual, 1 *Geo. I. c. 12.* and part of aggregate fund.
- The new subsidy and other duties granted to king William for life, 9 and 10 *Will. III. c. 23.* Drawback on plantation sugar, 9 and 10 *Will. III. c. 23. f. 8, 9.* 2 *Ann. c. 9. sect. 3.*
- Continued 1 *Geo. III. stat. 1.* during his majesty's life, towards civil list, and made part of aggregate fund.
- The export duties upon woollen manufactures, corn, &c. taken away. 11 and 12 *Will. III. c. 20.*
- The one third subsidy granted. 2 and 3 *Ann. c. 9.*
- The duties, 2 *Ann. c. 9.* made perpetual, and part of the aggregate fund. 1 *Geo. I. c. 12.* 3 *Geo. I. c. 18.* 5 *Geo. 2. c. 3.*
- The two third subsidy granted. 3 and 4 *Ann. c. 5.* Made perpetual, and part of the aggregate fund, by 7 *Ann. c. 7.* 1 *Geo. I. c. 12, &c.*
- Laws of the *customs* extended to Scotland. 6 *Ann. c. 26. f. 17.*
- Forfeiture of treble value against persons to whose hands uncustomed or prohibited goods shall come. 8 *Ann. c. 7. f. 17.*
- Claimers of seized goods to give security for costs. 8 *Ann. c. 7. f. 63.*
- Forfeiture of double drawback on persons to whose hands certificate goods shall come. 8 *Ann. c. 13. f. 16.*
- Continuance of the officers fees. 8 *Ann. c. 13. f. 26.*
- Penalty on officers imbezbling goods. 8 *Ann. c. 13. f. 27.*
- Head officers of *customs*, excise, and stamps, perpetuated. 9 *Ann. c. 21. f. 12.*
- Deputations of the officers do not cease by the death or removal of the commissioners. 12 *Ann. stat. 2. c. 8. f. 13.*
- Uncustomed goods that have been warehoused twelve months to be publicly sold. 12 *Ann. stat. 2. c. 8. f. 11.*
- Drawbacks to continue as long as duties. 3 *Geo. I. c. 7. f. 40.*
- Rum not to be imported in casks of less than twenty gallons. 5 *Geo. I. c. 11. sect. 2.* 27 *Geo. II. c. 18. f. 4.*
- Penalty on taking in goods at sea to be run. 5 *Geo. I. c. 11. f. 4.*
- Certificate to be produced from Ireland of the landing of goods. 5 *Geo. I. c. 11. f. 5.*
- Forfeiture on landing prohibited or certificate goods. 5 *Geo. I. c. 11. f. 6.*
- Package of certificate goods not to be opened in port. 5 *Geo. I. c. 11. f. 7.*
- Officers may enter ships of fifty tons hovering on the coast, &c. 5 *Geo. I. c. 11. f. 8.*
- Penalty on collusive seizures. 5 *Geo. I. c. 11. f. 24.*
- In trial relating to *custom* and excise, evidence may be given of an officer's authority, &c. as of a fact. 6 *Geo. I. c. 21. f. 24.* 11 *Geo. I. c. 30. f. 32.*
- Resisting officers to the number of eight, to be transported. 6 *Geo. I. c. 21. f. 24.* To the number of five. 8 *Geo. I. c. 18. f. 6.*
- Officers may stop and warehouse customable goods till claimed. 6 *Geo. I. c. 21. f. 39.*
- Where claimer, intitled to costs. 6 *Geo. I. c. 21. f. 41.*
- Time for exporting imported goods enlarged to three years. 7 *Geo. I. c. 21. f. 10.*
- The export duties on goods of British product, except allum, &c. taken off. 8 *Geo. I. c. 15. f. 7.*
- Dying drugs may be imported free. 8 *Geo. I. c. 15. f. 10.*
- A duty on dying drugs exported. 8 *Geo. I. c. 15. f. 11.*
- The rates on beavers skins lessened. 8 *Geo. I. c. 15. f. 13.*
- The duty on pepper reduced. 8 *Geo. I. c. 15. f. 15.*
- Duties on cloves, mace, and nutmegs, ascertained. 8 *Geo. I. c. 15. f. 17.*
- Boats on the Thames, &c. with more than four oars to be forfeited. 8 *Geo. I. c. 18. f. 3.*
- Penalty on receiving run goods. 8 *Geo. I. c. 18. f. 10.*
- A capias to go in the first instance against runners of goods. 8 *Geo. I. c. 18. f. 15.*
- Seizures of small ships, horses, &c. may be proceeded on by justices of peace. 8 *Geo. I. c. 18. f. 16.*
- Goods unshipped from coasting vessels before the cocquet produced, &c. forfeited. 8 *Geo. I. c. 18. f. 18.*
- Foreign goods unshipped without the presence of an officer, forfeited. 8 *Geo. I. c. 18. f. 18.*
- Additional duty on apples. 8 *Geo. I. c. 20. f. 46.* 11 *Geo. I. c. 7. f. 11.* 10 *Geo. II. c. 27. f. 1.*
- Purchase of wool-key for the custom-house. 8 *Geo. I. c. 31.*
- The *customs* in England and Scotland may be put under one or two commissions. 9 *Geo. I. c. 21.*
- Foreign goods carried coastwise, otherwise than by certificate, forfeited. 9 *Geo. I. c. 21. f. 8.*
- Goods unrated, before rated in a new book. 11 *Geo. I. c. 7.*
- Officers may purchase goods at ten *per cent.* above the importer's rate. 11 *Geo. I. c. 7. f. 8.*
- Penalty of concealing run goods. 11 *Geo. I. c. 30.*
- Run goods offered to sale may be seized by any person. 11 *Geo. I. c. 3. f. 18.*
- Run goods sold may be seized by the seller. 11 *Geo. I. c. 30. f. 20.*
- Condemned tea, coffee, &c. how to be sold. 12 *Geo. I. c. 28. f. 1.*
- No officer of *customs* or excise to deal in tea, coffee, brandy, &c. 12 *Geo. I. c. 20. f. 7.*
- The *onus probandi* to lie on the claimer of foreign goods. 12 *Geo. I. c. 28. f. 8.*

Condemned ships may be used by officers of *customs*, &c. 12 Geo. I. c. 28. f. 14.

The justices to cause seizures to be appraised. 12 Geo. I. c. 28. f. 16.

Officers impowered to open the package of certificate goods. 12 Geo. I. c. 28. f. 17.

Certificate goods shipped without warrant or presence of an officer, forfeited. 12 Geo. I. c. 28. f. 18.

Warehoused goods to be sold, unless the duties be paid, &c. within six months. 12 Geo. I. c. 28. f. 19.

No drawback to be allowed for tobacco, or other foreign commodities to be exported to the Isle of Man. 12 Geo. I. c. 28. f. 21.

Persons in prison for frauds relating to the *customs* or excise, to plead within one term, otherwise judgment. 12 Geo. II. c. 29. f. 27.

None but the attorney general or officers to file informations relating to the *customs* or excise. 12 Geo. I. c. 28. f. 28.

Act of indemnity for offences against the laws of *customs* and excise. 9 Geo. II. c. 35. 18 Geo. II. c. 28.

Persons deemed smugglers, and the penalty on such. 6 Geo. II. c. 35. f. 13.

Persons loitering near the coast, &c. to run goods, to be imprisoned. 9 Geo. II. c. 35. f. 18.

Tea, brandy, &c. offered to sale, may be stopped. 9 Geo. II. c. 35. f. 20.

Penalties on carrying run goods. 9 Geo. II. c. 35. f. 21.

Tea or brandy in small parcels may be seized on board hovering ships within two leagues of the coast. 9 Geo. II. c. 35. f. 22.

Foreign goods unshipped within four leagues of the coast forfeited. 9 Geo. II. c. 35. f. 23.

Penalty of bribing officers, &c. 9 Geo. II. c. 35. f. 24.

Concealed goods not reported, forfeited. 9 Geo. II. c. 35. f. 27.

Forcibly obstructing officers on ship-board, transportation. 9 Geo. II. c. 35. f. 28.

Officers may search coasting ships. 9 Geo. II. c. 35. f. 35.

In trials of seizures, the regularity of the seizure shall be admitted. 9 Geo. II. c. 35. f. 27.

Officers may oppose force by force. 9 Geo. II. c. 35. f. 35.

Drawback on exporting foreign paper taken. 10 Geo. II. c. 27. f. 4.

Duty on foreign oysters. 10 Geo. II. c. 30.

Claimers of seized ships to give security for costs. 15 Geo. II. c. 31. f. 7.

Foreign goods may be taken out of warehouses and refreshed. 16 Geo. II. c. 31. f. 8.

Glass-beads to pay as great bugles. 17 Geo. II. c. 31.

Smugglers before the 1st. of May, 1745, indemnified. 18 Geo. II. c. 28. f. 1.

Persons charged with being armed and assembled for the running of goods, &c. and not surrendering pursuant to order of council, attainted of felony. 19 Geo. II. c. 34.

26 Geo. II. c. 23. (Continued by 4 Geo. III. c. 12.)

Order for surrender to be published in the Gazette. 19 Geo. II. c. 34. f. 2.

Harbouring offenders, transportation. 19 Geo. II. c. 34. f. 3.

Damage forcibly done to custom-house officers, &c. to be made good by hundred. 19 Geo. II. c. 34. f. 6.

Reward of discovering accomplices. 19 Geo. II. c. 34. f. 11.

Offenders against the *customs* indemnified on condition of entering on board his majesty's ships. 19 Geo. II. c. 34. f. 13. 30 Geo. II. c. 29.

On information for seizures, the person who seized the goods not to pay costs, if there was a probable cause: and in actions, &c. for the seizure, the defendant excused from costs, if probable cause. 19 Geo. II. c. 34. f. 16.

All offences against the laws of the *customs*, and all monies arising from any *customs*, &c. excepted out of general pardon. 20 Geo. II. c. 52. f. 28, 39.

The last subsidy of poundage granted. 21 Geo. II. c. 2.

Drawback on sugar refined in Great-Britain and exported. 21 Geo. II. c. 2. f. 7. 32 Geo. II. c. 10. f. 8.

Candles, soap, and starch, to be imported in package of two hundred weight at least. 23 Geo. II. c. 21. f. 27.

No spirituous liquors imported in casks less than sixty

gallons to be entered for exportation. 28 Geo. II. c. 21.

Tea above six pounds in British ships come from abroad, and not employed by the East-India company, forfeited. 28 Geo. II. c. 21.

Smugglers indemnified from offences before the 1st. of May, 1757, on entering to serve as sailors. 30 Geo. II. c. 29.

Additional subsidy 1759. 32 Geo. II. c. 10.

Allowance to the importer of tobacco. 32 Geo. II. c. 10. f. 4.

Vessels or goods to be publicly sold, after condemnation, at such places as commissioners shall appoint. 3 Geo. III. c. 22.

For *customs* on particular commodities, see the respective heads.

Without enumerating all the *customs* which are too tedious, we may see what a maze our merchants must be in about them, when they come to their computation. If likewise we consider the many exceptions, and exceptions from exceptions; the many regulations, and regulations of regulations, for collecting those *customs*, we must conclude it no easy matter for any merchant to be master of this branch of his business, if he be what we call a general merchant.

Persons desirous to be well acquainted with the method of calculating the duties of *customs* may see them as they are represented in Saxby, the best book of rates at present extant.

CUSTOM-HOUSE, is a house in several cities and port-towns, as London, &c. where the king's *customs* are received, and all business relating thereunto transacted. See 12 Car. II. c. 4.

CUTLER. The business of the cutler is forging, tempering, and mounting all sorts of knives, forks, razors, scissars, sheers, &c. The cutlers in London keep shop. It is a trade which affords large profits to the master, who may set up with fifty pounds, though he may find it necessary to encrease his stock to two or three hundred pounds value. The journeymen earn the common wages of twelve or fifteen shillings a week: and the masters take from five to twenty pounds with an apprentice. As this business does not require any extraordinary degree of strength, a boy of the ordinary growth may be bound at thirteen or fourteen years of age; and his education may be as mean as that of any other mechanic; but if he is to serve in the shop, writing a good hand, and the knowledge of accounts, will be absolutely necessary.

CYDER. See CIDER.

CYPRESS, in natural history, a large tall tree, covered all over, almost from the ground, with slender branches, growing close together, making the tree have a pyramidal shape.

The wood of this tree is very compact and heavy, and its smell resembles that of santal. It scarce ever rots, decays, or is worm eaten, for which reason the ancients used it to make statues of their gods.

CYPRUS maintains hardly any trade with the Europeans, except with the products and manufactures of the isle.

Its extent and the fertility of its soil enable it to furnish commerce largely; particularly with cottons and silk, which are cultivated almost every where. The cottons in wool or thread are esteemed the best and finest in all the Levant; the country between Nicosia and Famagousta, and about Paphos and Limipo, are the parts in the island that produce most.

The silks are also gathered, and the silk-worms bred in some villages, subject to the magistracy of the two last mentioned cities; but the best and greatest quantity is made in the village Cyteree, though none are held in an equal degree of goodness with the cottons.

The wools, wine, galls, some medicinal drugs, red, yellow, green and greyish earths or boles; stuffs and dimities are the other merchandizes of the isle, to which we think ought to be added as one, the ortolans, which come here in such abundance, that the natives pickle them; and, besides what they consume on the island, the Venetians export upwards of a thousand small barrels annually.

Some few bales of cloth, paper, caps, and some verdigrae are the only goods imported there, which occasion the major part of the return to be paid for in money, and the most advantageous specie for this purpose, are the Mexican and Seville dollars.

D.

D A L

D The fourth letter of the English, and most other alphabets, is a numeral letter signifying five hundred; because in the Gothic characters it is half the M, which imports a thousand.

DAALDER, a name given by the Dutch to pieces of thirty sols, coined by them, and which are worth one florin, or guilder and half. They are also coined at Hamburg, and called *daalders lups*, or *lubs*, of two marks lubs each. See **COIN**.

DAEZAJIE, a silver coin, current in Persia, being worth five mamoudis, and two of them make the haseer denarie.

DALLE, a nominal money, used in keeping books of account in many cities of Germany: it is worth thirty-two sols lubs, which make forty French sols; the sol lubs being somewhat more than the sol tournois.

DALLER, a German word, signifying a crown-piece, a kind of silver coin. It is also a money of account, used in some parts of Germany, particularly at Augsberg and Bolzano. See **DOLLAR** and **COIN**.

DALMATIA, is situated along the coast of the Adriatic-Sea, or Gulph of Venice, having Albania on the south-east, Bosnia on the north-east, Morlachia on the north-west, and the Gulph of Venice on the south-west. It extends in length near two hundred miles; but its greatest breadth is not above forty-five. The soil is in some parts mountainous, but otherwise very fruitful, producing corn, wine, oil, honey, and wax.

This country is at present divided into three parts, viz. Venetian Dalmatia, Turkish Dalmatia, and the republic of Ragusa. The places of any note in it for commerce, including the adjacent islands, are, 1. *Spalato*, one of the sea-ports, with a very capacious and safe harbour, where the Turkish caravans unload their merchandize for Venice. It has a fine lazaretto for ships that perform quarantine. 2. *Cephalonia*, one of the largest islands the Venetians have in this sea. It is very fertile, especially in red wines, excellent muscadine raisins and currants, and delicate oil; wherein all the people here carry on a very advantageous traffic, and chiefly by means of its spacious port, well sheltered on all sides, though not good for anchoring of shipping. 3. *Corfu*, the next considerable island on this coast for bigness, but much more for its wealth and populousness. It furnishes Venice with vast quantities of salt, and is, besides, very fertile in corn, wine, and oil, and all sorts of fruits, and trees for timber, especially cedar. 3. *Zant*, another island on the south-side of Cephalonia, fruitful in corn, wine, oil, and a great variety of the most delicious fruits, especially the muscadine grapes, and many other commodities, on which account, it is said to be a golden island to the Venetians. The English and Dutch have here a factory and consul, and a number of merchants and factors for the staple commodities of this place, raisins and currants, which are very fine and cheap; but our nation is esteemed the greatest promoter of that trade, as they consume more of that commodity than perhaps half of Europe besides; which is a great disadvantage to these kingdoms. 4. *Ragusian Dalmatia*, lying on the sea-coast, partly island and peninsula, and partly on the mainland of Dalmatia. The country is about sixty miles long, but not proportionably broad. The soil is not over-fruitful;

D A M

but the country is pretty populous, and has a free trade, as well among the Turks as Christians. This trade, however, is chiefly among the Turks, who are their friends and protectors.

DAMAGES, on goods imported, except tobacco and wines, are to be adjusted by two indifferent merchants upon oath; to be chosen by the principal officers, &c. See **ALLOWANCE**, and **DEBENTURES**.

DAMAN, is seated in the peninsula on this side the Ganges, and on the gulph of Cambaye, between Surate and Baçaim, from which it is equally distant; its situation, and the goodness of its fortress, as also the importance of the trade carried on here, make the Portuguese regard it better than any other place they have remaining in India, although the business of Baçaim hardly yields to this; yet that of both, as well as of Diu, is considerably decayed, since the English, Dutch, and other nations of Europe, have brought Surate into such reputation; and since the Portuguese lost, as one may say, the empire of India, of which they had possession for an age.

Daman, Baçaim, Diu, and Chaoul, are four maritime places in the kingdom of Gufurate; but all four appertaining to the Portuguese: they were also masters of Bombay, between Daman and Chaoul; but yielded it up to the English in the year 1662, in favour of the marriage between king Charles II. and Catharine, infanta of Portugal: it is a very good port, and as secure a one as any on the coast.

DAMASK, a silk stuff, with a raised pattern, so as that which hath the right side of the *damask* is that which hath the flowers raised and fattened.

Chinese, or India, *damasks*, are seven, eleven, and twelve ells in length, and from three-eighths to seven-sixteenths wide. They are called *Chinese*, because for the most part coming from thence; and *India damasks*, because bought of the Indians by the company's factors. They are of various colours.

There is a stuff in France, and some places of Flanders, called the *caffart damask*, made in imitation of the *true damask*, but having the woof of hair, coarse silk, thread, wool, or cotton. Some have the warp and woof of thread; others are all thread, both warp and woof, and others again all of wool. They are made of three sizes, being either one-sixteenth less than half-ell, or full half-ell, or half-ell one-sixteenth wide.

DAMASKEENING, a kind of Mosaic work; and, accordingly, by the Italians, called by the same name as Mosaic, viz. *Taufia*. It is properly the art or act of adorning iron, steel, &c. by making incisions therein, and filling them up with gold or silver wire. It is chiefly used in enriching sword-blades, guards, and gripes, lock or pistols, &c. Its name shews the place of its origin, or at least the place where it has been practised in the greatest perfection, viz. the city of Damascus in Syria. M. Felibien attributes the perfecting of this art to his countryman, Curfinet, who wrought under the reign of king Henry IV.

DAMASCUS Steel, is a very fine kind of steel, made at *Damascus*, and other parts of the Levant, remarkable for its excellent temper.

Some

Some authors say, that it is brought from the kingdom of Golconda, in the East-Indies, where the method of tempering with allum was first invented, and which the Europeans have never been able to imitate.

DAMASSE, or *petite venise*, a kind of wrought linen made in Flanders, so called from the fashion of its large flowers, something like those of damasks: it is used chiefly for tables. A table-cloth and a dozen napkins of this sort is called a damask-servise. There is also a silk stuff so called, which looks like a damask on one side, and on the other is plain.

DANK, or **DANEK**, a small silver coin, current in Persia, and some places of Arabia; it weighs one-sixth of a drachm, and has its correspondent value.

Dank is also a small weight used by the Arabians, for precious stones, and drugs employed in medicinal compositions; it is one-sixth part of the Arabian drachm, or eight French grains.

DANTZICK, is of all the cities seated on the Baltic-Sea, that where the greatest business is transacted. The Vistula, on whose borders it is built, near a league from its mouth, conveys to it all the merchandizes of Poland, whose richest palatinates this river washes for more than a hundred leagues in its course, and serves to transport in return those foreign ones with which its warehouses are always well stocked. Ships drawing more than eight feet water cannot get up to the canal, running from the Vistula to the city, so that if they draw more, they must be lightened in the road, (which is an excellent one) and carry the part of the cargo so taken out in boats.

The magazines for grain established at *Dantzick* in an island, partly formed by the Vistula's channel, are very famous in all Europe, and they certainly deserve it, if there is no exaggeration in the assering, that they annually supply foreigners with 800,000 ton of wheat. It is a privilege of the burghers, that they only are permitted to purchase the Polanders wheat, when once brought into their city; but, on the other hand, they are obliged to take all that comes in, at a price fixed by the magistrates. Strangers here are subject to the inconvenience, as at Königsberg, of being debarred the liberty to send their goods within land, or sell them to any others than the citizens; but the hardship is something alleviated here, by the permission to house them till a favourable opportunity offers for their disposal.

The loadings of the English, French, and Dutch ships for this city, consist of a quantity of cloths and silks, spice, dying woods, drugs for that use, and medicines, Italian cremor tartari, sugar, oil, paper, all sorts of hides, salt, wine, and French brandy.

Wheat and other grain, as already observed, are the principal exports from *Dantzick*; here are, however, many other goods, that this place furnishes trade with, of which the most considerable are, ships masts, oak and deal for carpentry, flax, pot-ashes, weed-ashes, honey, wax, tallow, steel, iron, copper, lead, salt-petre, pitch, yellow amber, beeves, hides, skins, wool, and Poland-felt, when the English and Dutch cannot have this commodity from France.

DATES, the fruit of the greater palm-tree, are of the shape of an acorn, but bigger, and contain, under a thin yellow skin, a pulp of a sweetish slimy taste, and under this a long, hard kernel, with a furrow running its whole length. *Dates* are to be chosen large, yellow, with few wrinkles, plump, fleshy, of a whitish colour towards the kernel, and of a vinous taste.

DAVIS's Streights. Whale-fins, &c. or fish caught in *Davis's Streights*, may be imported by British subjects. 12 *Geo. I. c. 26. s. 7.* See **GROENLAND** and **WHALES**.

DAUPHINE. This province of France being divided into mountains and plains, the productions correspond to this diversity of soil and situation. The mountains produce firs, and other trees proper for marine uses, and cover several sorts of minerals and metals; and the rivers that rise and flow from them turn many mills of forges and founderies, for carrying on diverse works of iron, steel, copper, and lead, according to the different species of metals, cast and wrought here. The principal iron mine is in the mountain of Alleverd, six leagues from Grenoble, being of an excellent quality, soft, easy to forge and file, without flaw. The copper-mines are in the mountain of Cloche, and those of lead in the Gapençois, near the cave of the

Arnauds, and at the village of Argentieres, four leagues from Briançon. In the territory of Beffes there are slates; in that of Larnage a mine of vitriol and coppers, and another of tobacco-pipe clay, worked up at Tain; Cezanne and Cestiers, in the Briançonnais, produce chalk; and several parts in the Upper and Lower *Dauphiné*, coal and salt-petre. The manufactures, which these different metals and minerals occasion and maintain, are spread through the whole province. Steel is made at Rives-Moirans, Voiron, Beaumont-Furent, Tulins, Beauroiffant, Chabons, and Vienne. The iron is forged at St. Hugon, Hurtiers, Thoïs, Alleverd, Laval, Goncelin, la Combe, Vriage, Revel, des Portes, St. Gervais, and Royans; and scythes and sickles are made at Voiron and Viziles; sword-blades at Rives, Beauroiffant, Tulins, Voiron, Beaumont-Furent, but, above all, at Vienne: in fine, there are copper-forges at these last-mentioned places, Tulins, Voiron, and Beauroiffant; and the vitriol and the other minerals are prepared in the fabrics and laboratories of Alleverd, Laval, la Cloche, L'Argentieres, Lefchet, Bauriere, and Larnage. These are the products of the hilly parts, and we will now descend to the plains, where we may find growing in their proper seasons, hemp, corn, and mulberry-trees, for the nourishment of silk-worms. The linen manufactures of the former, are at St. John-Cremiere, la Tour-du-Pin, Bourgoin, Vienne, Jallieu, Ruy, Lisle Dabo, Artas, St. Genrge, Voiron, and at la Buissie. It is also almost in the same places that thread is spun, for sewing and for the different sorts of cap-making: silk is made through the whole province, excepting in the mountains, and some parts too cold for the worms; and besides these, here are many paper-mills at St. Donat, Chateau-double, Perus, Disimont, Chabacil, St. Vallier, Crest, Vienne, Rives, Pariot, and Vizille. The fabrics of hats are established at Grenoble, Fontenil, Sassenage, Voreppe, Moirans, Crest, and Pont-en Royans. Large hides are dressed on the side of St. André, St. Jean-de-Bournay, Vienne, Serre, Grenoble, Lambin, Croles, and Goncelin; the skins and small hides are tanned at Grenoble, Voiron, Romans, Valence, Lorient, Livron, Montelimaz, Dieu-le-fit, Vienne, and St. Antoine de Viennois. The cheese of Sassenage or other parts, sold under that name; the gloves of Grenoble, so light and fine; the pine-nuts, rosin, turpentine, &c. gathered in these parts, make a considerable addition to the trade of them; but there is yet a principal branch, viz. that of the woollen manufactory, carried on at Grenoble, Voiron, Tulin, St. Marcollin, Rogbon, Serre, Beaurepaire, St. Jean-en-Royans, Romans, Pont-en-Royans, Crest, Montemart, Tollinian, Deau-le-fit, Buis, Valence, and Vienne, in all which places are annually made from thirty-eight to forty thousand pieces of cloths and stuffs.

DEAL-BOARDS, fir-timber, grocery, olive-oil, pitch, pot-ashes, rosin, salt, spicery, tar, tobacco, or wines (other than Rhenish wines) may not be imported from the Netherlands or Germany, on forfeiture of the ship and goods. 13 and 14 *Car. II. c. 11. s. 23.* except Hungary wines from Hamburg, 1 *Ann. c. 12. s. 112.* and *Deal-boards*, fir-timber, fir-planks, and masts of the growth of Germany, which may be imported from thence only by British, in British-built ships owned by British, upon payment of the like duties, as if from Norway. 6 *Geo. I. c. 15. s. 1, 2, 3.*

DEBENTURE, a term in traffic, used at the custom-house, when the exporter of any goods or merchandizes is intitled by act of Parliament to any bounty or draw-back on their exportation; and this *debenture* is a peculiar certificate signed by the officers of the customs, which entitles the trader to the receipt of such bounty, or draw-back. See **ALLOWANCE**, **BOUNTY**, **CERTIFICATE**, **DRAW-BACK**.

Debentures, or certificates for drawing back duties upon the exportation of goods, must, before written or printed, be stamped, upon payment of eight-pence for every skin, sheet, or piece of vellum, parchment, or paper. Penalty on the writer or printer ten pounds, besides full costs of suits; on the officer that signs, loss of office, besides the aforesaid penalties, and the certificate or *debenture* not good, till it be stamped, and five pounds paid besides the stamp-duty. 9 *Ann. c. 23. s. 22, 24, 26.*

Counterfeiting such stamps, felony. 9 *Ann. cap. 32. sect. 32.*

Upon altering the stamps, *debentures*, &c. marked with the old stamps, may be changed within sixty days after proclamation: those not brought in by that time of no use. 9 *Ann. c. 23. f. 30.*

Debentures for duties to be drawn back upon the re-exportation of goods, must be sworn to by the true exporter only, as being either interested in the property and hazard of the goods, or so employed by commission in the direction of the voyage, as to be able to judge whether the goods be really, and *bona fide*, exported, &c. 4 and 5 *Will. and Mar. c. 15. f. 13.*

Debentures for cinnamon, cloves, mace, and nutmegs, oath to be made thereon by the exporter, that all the goods entered and shipped, as there certified, are really and truly exported for parts beyond the seas, on his own account, if he acts for himself; or if he acts by commission, then on the account of such person or persons for whom the deponent acts in the direction of the voyage; and that none of the said goods have been since landed, or are intended to be re-landed in Great-Britain, or the Isle of Man. 6 and 7 *Will. III. c. 7. f. 5.* and 12 *G. I. c. 28. f. 24.*

Debentures for tobacco may be made in one or more parchment or parchments, and the oath printed thereon, to be signed and sworn to by the exporter, that all the tobacco entered and shipped as there certified, is really and truly exported for parts beyond the seas on his own account, if he acts for himself; or if he acts by commission, then on the account of such person or persons for whom the deponent acts in the direction of the voyage; and that none of the said tobacco has been since landed, or is intended to be re-landed in Great-Britain, or the Isle of Man (or Ireland) unless for tobacco regularly shipped for that place. 7 and 8 *Will. III. c. 10. f. 5.* 6 *Geo. I. c. 21. f. 50.* 12 *Geo. I. c. 28. f. 24.*

Allowances on damaged goods, and discounts made inwards, to be rebated, or defaulted on *debentures*. 13 and 14 *Car. II. c. 11. f. 12.* 6 *Geo. I. c. 12. f. 2.* 9 *Geo. I. c. 21. f. 6.* See FISH, SALT.

DEBIT, among book-keepers, is used to express the left-hand page of the ledger, to which are carried all articles supplied, or paid, on the subject of an account, or that are charged to that account.

DEBT. Where a man oweth another a certain sum of money by obligation, or by bargain for a thing sold, or by contract, or upon a loan made by the creditor to the debtor, and the debtor will not pay the debt at the day appointed that he ought to pay it, then the creditor shall have an action of *debt* against him for the same.

An action of *debt* is said to be founded upon contract, either express, or implied, in which the certainty of the sum or duty appears, and therefore the plaintiff is to recover the same in *numero*, and not to be impaired in damages by the jury.

None to be distrained for *debts* not due. 3 *Ed. I. c. 23.*

A tradesman's shop-book not to be given in evidence of a *debt*, unless an action be brought within a year. 7 *Jac. I. cap. 12.*

Actions of *debt* to be brought within six years. 21 *Jac. c. 16. f. 3.*

Stat. 2 Geo. II. c. 22. f. 13. Where there are mutual *debts* between the plaintiff and defendant, or if either party sue or be sued as executor or administrator, where there are mutual *debts* between the testator or intestate and either party, one *debt* may be set against the other, and such matter may be given in evidence upon the general issue, or pleaded in bar, as the case shall require; so as at the time of pleading the general issue, notice be given of the particular sum or *debt* intended to be insisted on, and upon what account it became due.

Made perpetual. 8 *Geo. II. c. 24. f. 4.*

Stat. 8 Geo. II. c. 24. f. 5. Mutual *debts* may be set against each other, either by being pleaded, or on the general issue, notwithstanding that such *debts* are deemed to be of a different nature; unless where either of the *debts* shall accrue by a penalty contained in a bond or specialty. And in all such cases, the *debt* intended to be set off shall be pleaded in bar, in which plea shall be shewn how much is justly due on either side; and in case the plaintiff recover, judgment shall be entered for no more than shall appear to

be justly due, after one *debt* being set against the other.

Mutual *debts* may be set against each other between a bankrupt and his creditors. 5 *Geo. II. c. 30. f. 28.*

All acts for erecting courts of conscience, or for the recovery of small *debts*, are declared public acts. 2 *Geo. II. c. 16. f. 2.*

DEBT to and from the king. The pledges shall not be distrained where the debtor is sufficient. *M. C. 9 Hen. III. cap. 8.*

Remedy for the sureties against the principal debtor. *M. C. 9 Hen. III. c. 8.*

The debtor dying, the king shall be first paid. *M. C. 9 Hen. III. c. 18.*

Distress for *debt* may be fed by the owner, and shall not be sold before fifteen days, &c. *De Distric. Scacc. 51 Hen. III. f. 4.*

Receivers of the king's *debts* shall acquit the debtors at the Exchequer, *De Distric. Scacc. 51 Hen. III. f. 4.* on pain of treble damages, &c. *Stat. West. 1. 3 Ed. I. c. 19.* Process against sheriffs for not acquitting, &c. *De vicecom. &c. 14 Edw. II.*

The order of accounting at the Exchequer. *Stat. de Scac. 51 Hen. III. f. 5.*

Penalty of delaying payment of the king's *debts*, or taking money for it. *Stat. West. 1. 3 Edw. I. c. 32.*

Directions for discharging the *debts* that have been paid to sheriffs, &c. *Stat. Rutl. 10 Edw. I. f. 3. &c. Stat. de Fin. levat. 27 Edw. I. f. 1. c. 2.*

Pleas not to be held in the Exchequer, unless they touch the king or his ministers, *St. Rutl. 10 Edw. I. f. 11.*

On finding surety for the king's *debt*, the distress shall be released. *Art. Super Cart. 28 Edw. I. stat. 3. c. 12.*

The king's *debts* staled according to the ability of the debtor, and to be levied *sakoe contenemento*. 1 *Edw. III. stat. 2. c. 4.*

A prisoner in execution confessing a *debt* to the king, shall be remanded at the plaintiff's suit. 1 *Rich. II. c. 12.*

No recognizance or bond in the double shall be taken in the Exchequer for the king's *debt*. 13 *Rich. II. stat. 1. cap. 14.*

Commissions shall be sent to inquire into the truth of accounts passed in the Exchequer. 6 *Hen. IV. c. 3.*

Accounts for dismes not chargeable with other men's suits in the Exchequer. 1 *Rich. III. c. 14.*

Bonds to the king of the same force as the statute *staple*, 33 *Hen. VIII. c. 39.*

Recognizances how discharged. 33 *Hen. VIII. cap. 9. sect. 12.*

Auditors, &c. their fee, 33 *Hen. VIII. c. 39. f. 17, 20.* Penalty of auditors and receivers not accounting. 33 *Hen. VIII. c. 39. f. 83.*

How a bond given to the king shall be sued. 33 *H. VIII. c. 39. f. 50.*

The king shall recover costs. 33 *Hen. VIII. c. 39. f. 54.* The penalty of not paying a rent reserved to the crown. 33 *Hen. VIII. c. 39. f. 63 and 72.*

The king's prerogative in suit. 33 *Hen. VIII. cap. 39. sect. 74.*

Matter of equity may be pleaded in discharge of a *debt* to the king. 33 *Hen. VIII. c. 39. f. 69.*

At what time the king's receivers shall account and make their payments. 7 *Edw. VI. c. 1.*

The lands of receivers and accountants made liable to pay their *debts* to the crown. 13 *Eliz. c. 4. 27 Eliz. c. 3.* made liable to be sold. 39 *Eliz. c. 7.*

No *debt* to be assigned to the king, but such as originally accrued to the king's debtor. 7 *Jac. I. c. 15.*

The king's tenant returned in arrear by mistake shall be discharged on producing his receipt. 11 and 12 *Will. III. c. 2. f. 154.*

Accountants to the crown charged with interest. 12 *Will. III. c. 11. 2 and 3 Ann. c. 17.*

Penalties on receivers detaining or misapplying money. 9 *Ann. c. 21. f. 14.*

Penalties on not duly discharging *debts* received. 3 *Geo. I. c. 15. f. 13.*

DEBTS of the NATION, or the NATIONAL DEBTS. We shall not here inquire into the origin of those *debts*, or by what means they have been accumulated; but it must be allowed in all hands, that nothing is so great a clog, burden, or incumbrance on our trade, as the taxes with

with which it is loaded; more especially those which are laid upon our own produce and manufactures.

Since the last war, and the *definitive treaty* of 1763, our *public debts* and *taxes* have swelled to such an enormous height, and in so few years, that now the most sanguine for the possibility of their total discharge are staggered; and many wise men think it impossible that they ever should be so; and consequently, the *public creditors* must become *perpetual annuitants*.

Should this prove the case, the whole weight of our *tax-incumbrances* must perpetually remain for the payment of the annuitants. But this the nation will find difficult to bear, without a *change in the whole constitution of the national revenue*; and even was that done, which may not be impracticable, it would not preserve us from future wars; and if we still go on *borrowing* and *funding*, we certainly must come to our *non plus ultra* at last, and that must be, when we can find no *new tax-funds*, whereby to increase the national incumbrances. How much longer it can be reasonably presumed, that the nation will be able to bear such a system to prevail, requires no great foresight to predict. It can prevail no longer, than that such must inevitably be the *weight of our taxes upon our whole trade and navigation* (for there they ultimately terminate) as to render our commodities in general *so excessively dear*, that no foreign nation will be in a capacity to purchase them; and when we are disabled from the *sale of our wares*, how long can we be supposed able to buy and import those of other nations? Every man sees that cannot be long.

When this comes to be the case, the first great branch of the *public revenue* that will feel it, will be the *customs*. When the foreign sales of our manufactures are stopped, what likewise will be the state of our *excises*? Must not they, as well as the *customs*, feel the effects? They must assuredly must. How then can the annuitants be paid their revenues, when we have lost those funds that are mortgaged for that purpose? We shall not be in a condition to pay them, and we then must unavoidably become a *bankrupt nation*.

Some people seem to be quite insensible of the weight of our *national debts*, and therefore judge lightly of the taxes which they have occasioned, and think to balance all these evils, by highly magnifying the riches of the kingdom in general. This is certainly the way to entail them so long upon the nation, till we must inevitably sink under them, and be swallowed up by neighbouring powers, who, at this time, are consulting effectual ways and means to discharge their *debts*. And that some efficacious scheme for the same purpose is expedient for this nation, or rather absolutely necessary, we are more convinced than we care to express; for we would not willingly, as a certain great man said upon a similar occasion, give a handle to our enemies to entertain a mean opinion of us. It is well known we are a rich and wealthy nation, and have great resources; but we cannot go beyond our real strength, and not think of effectual ways and means for the payment of our *national debts*.

State of all the PUBLIC DEBTS, at the receipt of his majesty's Exchequer, standing out Jan. 5, 1766, (being Old Christmas-day) with the annual interest or other charges payable for the same.

EXCHEQUER.

	Principal debt.			Annual interest, or other charges payable for the same.		
	l.	s.	d.	l.	s.	d.
Annuities for long terms, being the remainder of the original sum contributed and unsubscribed to the South-Sea company	1,836,275	17	10 $\frac{3}{4}$	136,453	12	8
Ditto for lives, with the benefit of survivorship, being the original sum contributed	108,100	—	—	7,567	—	—
Ditto for two and three lives, being the sum remaining after what is fallen in by deaths	73,405	14	10 $\frac{3}{4}$	8,933	12	—
Exchequer-bills made out for interest of old bills	2,200	—	—	—	—	—
Note, The land-taxes and duties on malt, being annual grants, are not charged in this account, nor the 1,000,000 l. charged on the deduction of six-pence per pound on pensions, nor the 1,000,000 l. borrowed anno 1764, charged on the supplies anno 1766, nor the 800,000 l. borrowed anno 1765, and charged on the said supplies.						

EAST-INDIA Company.

By two acts of parliament 9 Will. III. and two other acts 6 and 9 Ann. at three per cent. per annum	3,200,000	—	—	97,285	14	4
Annuities at three per cent. per annum, 1744, charged on the surplus of the additional duties on low wines, spirits, and strong waters	1,000,000	—	—	30,401	15	8

BANK of ENGLAND.

On their original fund at three per cent. from the first of August, 1743,	3,200,000	—	—	100,000	—	—
For cancelling exchequer-bills 3 Geo. I.	500,000	—	—	15,000	—	—
Purchased of the South-Sea company	4,000,000	—	—	121,898	3	5 $\frac{1}{2}$
Annuities at 3 per cent. charged on the surplus of the funds for lottery, 1714,	1,250,000	—	—	37,500	—	—
Ditto at three per cent. charged on the duties on coals, since Lady-day, 1749,	1,750,000	—	—	52,500	—	—
Ditto at three per cent. charged on the duties on licences for retailing spirituous liquors, since Lady-day, 1746,	986,800	—	—	29,604	—	—
Ditto at three per cent. charged on the sinking fund, by the acts 25, 28, 29, 32, and 33 Geo. II. and 4 Geo. III.	33,127,821	5	1 $\frac{1}{4}$	33,627,821	5	1 $\frac{1}{4}$
Ditto at three per cent. charged on the duties on offices and pensions, &c. by the act 31 Geo. II.	500,000	—	—	15,000	—	—
Ditto at three per cent. charged on the sinking fund by the act 25 Geo. II.	17,701,33	16	4	18,301,323	16	4
Ditto at three per cent. charged on the said fund by the act 5 Geo. III.	600,000	—	—	558,996	14	0
Ditto at three pounds per cent. charged on the said fund by the said act, and subject to be converted into annuities with the benefit of survivorship	300,000	—	—	9000	—	—
Carried over	70,135,926	14	2 $\frac{3}{4}$	2,232,728	17	9 $\frac{1}{2}$

D E B

D E B

	l.	s.	d.	l.	s.	d.
Brought over	70,135,926	14	2 $\frac{3}{4}$	2,232,728	17	9 $\frac{1}{2}$
Ditto at three <i>per cent.</i> in lottery-tickets charged on the said fund by the said act	600,000	—	—	18,000	—	—
Ditto at three and a half <i>per cent.</i> charged on the said fund by the act 29 Geo. II.	1,500,000	—	—	53,343	15	0
Ditto at three and a half <i>per cent.</i> charged on the duties on offices and pensions, by act 31 Geo. II.	4,500,000	—	—	160,031	5	—
Ditto at three <i>per cent.</i> charged on the sinking fund by the acts of the 2d of Geo. III.	20,240,000	—	—	820,985	—	—
Ditto at four <i>per cent.</i> in lottery-tickets charged on the additional duties on wines, &c. by the act 3 Geo. III.	700,000	—	—	3,500,000	—	—
Ditto at four <i>per cent.</i> charged on the said fund by the said act	2,800,000	—	—			
Ditto at four <i>per cent.</i> residue of 3,483,553 l. 1 s. 10 d. charged on the sinking fund in lieu of navy-bills, &c. re-subscribed after paying off twenty-five pounds <i>per cent.</i> of that capital pursuant to an act 5 G. III.	2,612,664	16	4 $\frac{1}{2}$	105,976	4	3

Memorandum. The subscribers of one hundred pounds to the lottery 1745, were allowed an annuity for one life of nine shillings a ticket, which amounted to 22,500 l. but is now reduced, by lives fallen in, to 17,444 l. 15 s. and the subscribers of 3 hundred pounds to the lottery 1746, were allowed an annuity for one life of eighteen shillings a ticket, which amounted to 45,000 l. but is now reduced, by lives fallen in, to 34,977 l. 10 s. and the subscribers of a hundred pounds for three *per cent.* annuities, anno 1757, were allowed an annuity for one life of 1 l. 2 s. 6 d. which amounted to 33,750 l. but is now reduced, by lives fallen in, to 31,952 l. 5 s. and the subscribers of a hundred pounds for three *per cent.* annuities, anno 1761, were allowed an annuity for ninety-nine years of 1 l. 2 s. 6 d. amounting, with the charges of management, to the bank of England, to 130,000 l. 10 s. 3 d. and the contributors to 12,000,000 l. for the service of the year 1762, were intitled to an annuity for ninety-eight years of one *per cent. per annum*, which, with the charges of management to the bank of England, amount to the sum of 121,687 l. 10 s. which annuities for ninety-nine years, and ninety-eight years, were consolidated by the act 4 Geo. III. all which annuities are an increase of the annual interest, but cannot be added to the *public debt*, as no money was advanced for the same.

336,115 10 3

SOUTH-SEA Company.

On their capital stock and annuities 9 Geo. I.	25,025,309	13	11 $\frac{1}{2}$	765,326	3	1 $\frac{1}{2}$
Annuities at three <i>per cent.</i> anno 1751, charged on the sinking fund	2,100,000	—	—	64,181	5	—
	130,213,901	14	6 $\frac{3}{4}$	4,698,656	15	5

DEBTS due to, and from, the wife when single. In the case of *Miles v. Williams and Ux.* Miles brought a *debt* against husband and wife, upon a bond entered into by the woman when single. The defendants jointly plead in the bar, that the plaintiff ought not to have his action, &c. and say, that after the intermarriage, Williams the husband became a bankrupt, and a commission issued against him, and he submitted, and in all things conformed himself to the statute of 4 Anne, and to all other statutes relating to bankrupts; and therefore the aforesaid John and Eleanor, by virtue of the aforesaid statute, say, that the action aforesaid arose to the said Miles, before the said John Williams became bankrupt; and that they were ready to verify, and therefore they demand judgment, if the said Miles ought to maintain his action. The plaintiff demurred, and shewed for cause, that the *debt* arising upon the bond made by the wife solely was not discharged by the statute, mentioned in the defendant's plea; and also that the plea ought to have concluded to the country. The defendants joined in demurrer. And after several arguments in this case, Parker, chief justice, having stated the record at large, delivered the resolution of the court.

The two great questions which have been made in this case, are these,

1. Whether this, being a bond given by the wife, *dum sola*, be such a *debt* as shall be discharged by the bankruptcy of the husband, by virtue of the statute of Ann. 4. c. 17. mentioned in the plea?

2. Whether the defendants have well concluded their plea, or not; it being to the judgment of the court and not the country?

As to the first, we are all of opinion, that it is a *debt* within the act.

The words of the clause upon which it depends, are, *That the bankrupt shall be discharged from all debts by him due and owing, at the time he became bankrupt;* and then in case he be sued for any such *debt*, the act directs, that he shall, and may plead in general, that the cause of action did accrue before he became a bankrupt.

Upon these words the immediate question is, whether this was a *debt* due, and owing by the husband, at the time he became bankrupt?

It was said, and (we think) admitted at the bar, *That a debt due by the wife, and one due to the wife, dum sola*, must fall under the same consideration.

This is very reasonable, and therefore we have considered how far a *debt* due to the wife would be within this act, to be assigned by the commissioners of bankruptcy. And in order to understand this, it is necessary to go back to the former acts.

Those of 13 Eliz. c. 7. and 1 Jac. I. c. 15. give the commissioners power over the bankrupt's body, lands, &c. and to assign all *debts* due, or to be due, to and for the benefit of the bankrupt, and the same to be recovered in the name of the assignees.

Now we take the intention of these laws to have been, that the bankrupt having been guilty of a fraud, should not be trusted any more with the management of his estate, &c. So that upon this intention, all those effects and *debts*, which he could take in, or turn into money, the assignees were designed to have in as full a manner, either by action or otherwise, and that in their own names.

The best rule of construing acts of parliament is by the common law, and by the course which that observed in like cases of its own, before the act.

Thus

Thus it is in the statute *de donis*, which enacts, that tenant in tail *non habeat potestatem alienandi tenementa*, to prevent their coming to the issue; and that a fine levied by him, *ipso jure sit nullus*. Now,

The effects of this statute being a disability to alien to the prejudice of others, therefore the law ranks the person incapacitated thereby, *with bishops, and other ecclesiastical persons, and with husbands*, who were by the common law disabled to alien to the prejudice of their successors and wives.

And therefore though the words be, that tenant in tail shall not have power to alien, and that his fine shall be void, yet it has been construed, *that a fine by tenant in tail is not merely void, but makes a discontinuance*, thereby putting the issue to his *formdon*, and that other alienations, either put the issue to his action, or allow of his entry, just as the law stood before in relation to bishops, &c.

At common law it is a general rule, *that no body can have an action but a creditor*, or, if he be dead, *his representative*: but there are two cases wherein this rule fails, viz. in the case of a forfeiture, and of an assignment to the king; for though a *chose in action* cannot be assigned to a common person, yet it may to a king. And in both these cases, the king, or his grantee or assignee, may sue for these duties in their own name, 21 Hen. VII. 19. Though generally the grantee sued in the king's name; but that was only in order to take advantage of the king's prerogative.

Now let us see, how far the wife's *debts* were liable in these cases.

In the case of assignment of *debts* to the king, *Hob. 2. 253.* is an authority in point; and that notwithstanding the 7 Jac. I. c. 15. which makes assignment of *debts* void, other than such as grew due originally to the king's debtor *bona fide*. For the purpose of that law was, that no debtor of the king should procure another man's *debt* to be assigned, which was the common practice. But this, says the book, is his own *debt*, though not to his own use, which he may himself release and discharge, and by the same reason may assign. This proves two things.

First, That the husband might assign these *debts* by the common law.

Secondly, That he was not restrained from doing it, by the statute, because they were the husband's own *debts*.

This reason concludes to the case at bar.

First, As it is the husband's own *debt* within the words of the act.

Secondly, That as the husband might assign it, *ergo*, so might the commissioners.

Besides, it is to no manner of purpose, and can serve no good end, to say, that such *debts* are not assignable: for if they should be left in the husband, as soon as ever he recovers them, the commissioners must have the money, and apply it to the use of the creditors.

But in order to confine the sense of the words, *debts due and owing to him*; it has been objected,

First, That the statute does not extend to *debts* due to a bankrupt as executor.

Respons. This is true; but it is for this particular reason, because they are appropriated to pay the *debts* of the testator, and if they were assigned, it would be a wrong, viz. a *devastavit*.

Secondly, It has been objected, that the statute does not extend to *debts* due to the bankrupt jointly with another.

Resp. The case cited for that purpose from 1 Lev. 17. is not determined, such *debt* might be assigned to the king by any one of the creditors; and so it is adjudged, *Mich. 19 Hen. VI.* And it would be forfeited by the outlawry of one.

However, that case is not before us. Thus far is plain, that a *debt* due from him and another would be within this act of 4 Anne, for it is so declared by the declaratory act of 10 Anne, which provides at the same time, that the discharged of the bankrupt shall not extend to discharge the other joint debtor.

But this of a husband and wife is a different case; for it is his *debt*, as he is one with her.

But it is contended, that the bankruptcy ought not to give the husband a better right in his wife's *debt*, and bar her of her contingency by survivorship.

Resp. It does not give him a better right; for his release

for a consideration to himself alone, would have barred her of the contingency; and this is a relation in law, and amounts to the same thing.

Besides, that is answered by the fiction of law, whereby the statute of 1 Jac. c. 15. and this statute has made it as a *debt*, and new security to the assignees. Suppose a bond was made to A in trust for B, who becomes a bankrupt, the assignees may bring the action in their own name, though B must have brought it in the name of his trustee.

Objected. The husband must join with his wife in this action, but the assignees cannot do it.

This is answered as before, and by the cases of forfeiture and assignment to the king: but to put another case:

Suppose a bill of exchange be made to the wife, *dum sola*, the husband may assign it, and the assignee shall bring the action in his own name.

This reasoning holds stronger, in the case of *debts* due from the wife; for,

First, Certainly it is the husband's *debt*, and the action must be brought in the *debet* and *detinet*. It is admitted to be the husband's *debt* after judgment; and it were hard to say, that a judgment of law charges a man with a *debt*, who was not chargeable with it, when that judgment was given against him.

Secondly, If the intent of that act be considered, and the question asked, *cui bono?* it will appear still stronger. The persons concerned in this matter, are,

First, The bankrupt; *secondly*, the creditors; *thirdly*, the wife.

As to the bankrupt, if an action be brought against him on such bond, what execution can the plaintiff have? If he takes a *fieri facias*, or *elegit*, as soon as he finds goods or lands, the commissioners ought to seize them; this would be wholly ineffectual; and if he takes a *capias*, it will only serve to lay the bankrupt up in prison, when all his estate wherewith he should make satisfaction, and deliver himself, is taken out of his power. And that is the reason of his being discharged, viz. because his ability to pay is entirely taken from him.

And this distinguishes it from the case of an executor, and shews that he ought not to be discharged as to the testator's *debts*, for he retains his ability to pay them, by keeping the effects which he has as executor; and the commissioners cannot meddle with them, because they are appropriated.

It was insisted at the bar, that he ought to be discharged from all his *debts*, because he is not only obliged to part with all his estate, liable to pay those *debts*, but all whatsoever wherewith he might pay his *debts*; as for the purpose, *copyhold lands, which are liable to no execution.*

Secondly, As to the creditor.

It cannot be for his benefit that this *debt* should not be within the act; for the bankrupt's whole estate will be otherwise disposed of, and his action against the bankrupt can be worth nothing; but if this *debt* be within the act, then may he come in for his dividend.

The consequence of the contrary opinion is, *that you take from him every thing wherewith his debt may be paid, and at the same time will not let him in for a share.*

Thirdly, As to the wife.

It will be a discharge to her, at least a temporary one; viz. during the husband's life. But though it be not necessary to give any opinion upon that, yet we think it will amount to a perfect release, and the wife will be discharged for ever.

But no harm can arise from this; for the creditor is supposed to have had his dividend, and the *debt* is paid in consideration of law.

A case may possibly be put, where a woman being in *debt* may make over all her effects in trust, and then marry a bankrupt, and by that discharge all her *debts*, and yet preserve her estate; but that would be a fraudulent conveyance, as against creditors, *quoad* as much of the estate as would satisfy their *debts*, and for that they might have remedy.

It was enacted, That this discharge is a personal privilege, and not communicable to the wife.

Resp. It is a necessary consequence that it must extend to her, because every thing in the husband's power, is assignable, and all her estate is in his power: *if the husband*

be possessed of a term for years in right of his wife, it may be sold on a fi. fa. and yet it is not actually transferred to the husband by intermarriage. 1 Inst. 46. b.

For these reasons, we are all of opinion, that this is the husband's debt, within the meaning of the statute.

As to the second question, viz. whether the plea be good or not? We are likewise all of opinion, that it is ill, not to conclude to the country.

A liberty of pleading generally is given to the bankrupt, and so he may avoid the hazard of pleading specially; but then he must take upon him the proof of his conformity to the statute in every particular: of if he thinks fit to plead the matter specially, then he must set forth every point; and by it he has every advantage against the plaintiff, that he must reply one particular only, upon which issue must be taken. Here the defendant has pleaded the matter specially, but not set forth the whole, and therefore it is ill for that reason; for by the express words of the act, this is to be pleaded, so as that the whole merits may be tried.

There are several cases at common law, where a man shall conclude his plea to the country, though there be no affirmative and negative, to prevent the inconvenience that would arise by going on to a replication, as in 33 H. VI. 21. *to a fine, quod partes finis nihil habuerunt; Et de hoc ponit se supra patriam.*

So in dower, *nunqui se de dower, Et de hoc, &c.*

And the reason of this is, for that it would be inconvenient to go on to a replication, because to reply generally would leave it too large and comprehensive, and to reply any particular kind of estate, would be too narrow, and consequently immaterial.

This statute has found a new general issue in this case; and this was the foundation of judgment in Bird and Lacy's case, Mich. 6 Ann. C. B. Rot. 321. that a plea upon this act was well concluded to the country; and if so, it cannot conclude to the court.

It may be observed on the statute of sewers (23 Hen. c. 5.) that by these words of that act, a general replication is expressly given, to avoid the forcing the plaintiff to a single point; and so the mischief which would be in this case is prevented; thus it must have been in this act, if it had not been the intention of it to make the plea a general issue.

For this fault in the plea, which is shewn for cause of demurrer, and which would put a difficulty upon the plaintiff, not intended by the statute, judgment must be given for the plaintiff.

A *feme sole* is a mortgagee in fee for eight hundred pounds, and marries a tradesman, who becoming a bankrupt, a commission of bankruptcy is taken out against him, and the commissioners assign over all his estate, real and personal; afterwards the husband dies, and the writings relating to this mortgage being in the assignees hands, the widow of the bankrupt brings a bill in equity against the assignees, for these writings, and to have the benefit of the mortgage. *Boswill. v. Brander.* 1 Peer Will. 458. Case 131. at the Rolls.

This cause came on to be heard, and, for its difficulty, was ordered to be spoke to again, when his honour delivered his opinion solemnly for the plaintiff, the wife.

But afterwards being dissatisfied with that opinion, he ordered the decree to be stayed, and to be attended again by counsel.

Whereupon his honour gave his opinion, that if there had been any articles before the marriage, purporting, that this mortgage-money should continue in the wife, as her provision, or should be assigned in trust for her, there would have been a specific *lien* upon the mortgage, and have preferred it from the bankruptcy.

Also it might have been a matter of different consideration, if the assignees had been plaintiffs in equity, and desired the aid thereof, to strip an unfortunate widow of all that she had in the world, towards the doing of which, equity would hardly have lent any assistance; because the assignees, claiming under the bankrupt husband, could be in no better plight than the husband would have been; and if the husband had in equity sued for the money, or else prayed that the mortgage might be foreclosed, equity (probably) would not have compelled the mortgager to have

paid the money to the husband, without his making some provision for his wife, by an application to the court against the husband, and the mortgager might have prevented the payment of the money to the husband, unless some provision were made for her.

But in the present case, the widow was plaintiff against the assignees; so that she, and not the creditors, fought the aid of equity.

And here being in the mortgage-deed a covenant to pay the mortgage-money to the wife, this debt, or *chose in action*, was well assigned by the commissioners to the assignees, and vested in them, like the case of Miles and Williams (last cited) where a bond made to a wife (*dum sola*) was adjudged to be liable to the husband's bankruptcy, and assignable by the commissioners.

Wherefore if the right of the debt was vested in the assignees (as plainly it was) though the legal estate of the inheritance of the lands in mortgage continued in the wife; yet this was not material, it being no more than a trust for the assignees, like the common case where there is a mortgage in fee, and the mortgagee dies, here the mortgage-money belonging to the executors, though the heir takes the legal estate by descent, yet he is but a trustee for the executor; for the trust of the mortgage must follow the property of the debt, else the mortgager would be in a very hard case, liable to be sued by the assignees of the commissioners upon the covenant; and also in an ejectment by the wife of the mortgagee; whereas the latter suit would be enjoined in equity.

Then it was insisted, that here were articles entered into before the marriage of the bankrupt and his wife, by which the husband covenanted to settle the wife in the manor of Date, or to leave her a thousand pounds within three months after his death.

But in this agreement it appeared, that the husband had his election in his life-time, and that if the wife had brought her bill in equity against the husband, she could not have compelled him to do the one or the other; neither could she, upon such bill, or otherwise, have compelled him to give any farther or better security for the payment of this thousand pounds, because she had that security which she at first agreed to take, and the court could not better it against her own agreement.

But upon another point, viz. as to two hundred pounds, part of the wife's portion, on a note given by the husband at his marriage, signifying his consent that the wife should have this two hundred pounds, the court held the same was specifically bound thereby; so that with respect to this only, the plaintiff was relieved, and the bill, as to the rest, dismissed.

DECAN is the first kingdom on the coast of India and Malabar after that of Gufurate, which for a long time was a province of the Mogul empire, as well as the other, though at present it is only tributary. Its sea-ports, where some trade is transacted, are Geytapour, Rajapour, Carapatat, Dabul, and Sisardan, and which consists in silk stuffs, and cotton cloths sent by sea to Surate, or what the inhabitants of Decan transport by land into the territories of the Mogul, those of Golconda, and as far as Coromandel; and in this kingdom it is where pepper is first met with.

DEE-RIVER at Chester. An act of 17 Geo. II. repeals the acts of 6 and 14 Geo. II. in regard to the powers granted to the company of proprietors of the undertaking for recovering and preserving the navigation of the *River Dee*; and declares, that after May 25, 1744, there shall for ever be paid unto the said company, and their successors, or to their collectors, for every ship, sloop, hoy, bark, barge, lighter, boat, or other vessel, coming into, or going out of, or navigating in the river, and new channel, with any goods or merchandize (lead, oysters, flates, and paving stones, excepted) by the master or owner of such ship, &c. or other vessel (every of whom are by this act made liable to the same) the several rates, tonnage, keelage, or duties, according to the full of their reach and burden, herein after particularly described, for every ton of burden of such ship, &c. or other vessel, that is to say, for every ship, &c. or other vessel coming to, or going from, the city of Chester, or to, or from any other place, between the city of Chester and Park-Gate, on the north side of the river, and between the city of Chester and

and the town of Flint, on the south side of the river, to or from any part of Great-Britain or Wales, or the other places or countries herein after mentioned, the several rates and duties following; that is to say, for every ship, sloop, hoy, bark, barge, lighter, boat, or other vessels, going to, or coming from, any part of Great-Britain or Wales, between the said city and St. David's Head, or Carlisle, for every ton two-pence; and for every ship, &c. going to, or coming from, any place between St. David's Head and the Land's End, or beyond Carlisle, or to any part in, or on this side the Shetlands, or to, and from the Isle of Man, for every ton three-pence; and for every ship, &c. going to, or coming from any part of Ireland, for every ton four-pence; and for every ship, &c. going to, or coming from, any place upon the King's Channel, beyond the Land's End, or beyond the Shetlands, for every ton four-pence; and for every ship, &c. going to, or coming from, any part of Norway, Denmark, Holstein, Holland, Hamburg, Flanders, or any part of France, without the streights of Gibraltar, or the islands of Guernsey or Jersey, for every ton eight-pence; and for every ship, &c. going to, or coming from, any place in Newfoundland, Greenland, Russia, and within the Baltic, Portugal, and Spain, without the Streights, Canaries, Madeiras, West-Indies, Azores, for every ton one shilling; and for every ship, &c. going to, or coming from, any place in the West-Indies, Virginia, or any other part of America, Africa, Europe, or Asia, within the Streights, or not named before, any part of Africa without the Streights, or Capede Verd Isles, for every ton one shilling and six-pence; for every sloop, hoy, bark, &c. carrying goods from, or bringing goods to, the city of Chester, or through any part of the said new channel, in order to be put on board, or discharged from any ship, &c. lying at Park-Gate, Flint, or any other place within the port of Chester, and below the said new channel, made by the said undertakers, for every ton two-pence; and so in proportion for a greater or less quantity than a ton; such duties to be paid at the time of such ship or other vessel's discharge, either inwards or outwards, at the custom-house in the port of Chester, so as no ship or other vessel shall be liable to pay the duty but once for the said voyage, both out and home, notwithstanding such ship or other vessel may go and return back, with a lading of any goods or merchandizes.

And by the said act of 6 Geo. II. it is (among other things) provided, that if any ship or vessel, employed by the cheesefongers of the city of London, in the cheesef-trade of the city of Chester, should not go up to the city, or within any parts of the intended works of navigation, but should have their lading put on board such ship or vessel, by boats or keels, six-pence *per* ton, and no more, should be paid to Nathaniel Kinderley, his heirs, &c. by the master or owner of every such boat or keel, for all cheese or lead, so to be put on board such ship or vessel, in full satisfaction and discharge of all duties and tonnage whatsoever; it is hereby further *enacted*, that after the 25th of May, 1744, the said duty of six-pence *per* ton, made payable by the above-recited proviso, shall cease, and be no longer payable; and that, in lieu of the said duty of six-pence *per* ton, for such boat or keels, a sum of two-pence *per* ton, and no more, shall from May 25, 1744, be paid to the said company, and their successors, by the master or owner of every such boat or keel, carrying cheese, (lead being exempted by this act from the payment of any tonnage) to be put on board such ship or vessel, in full satisfaction of all duties and tonnage whatsoever.

All ships, &c. or other vessels, coming into, or going out of the said river, and new channel, and liable to the payment of the duties of tonnage, by this act imposed, shall be measured, by taking the length of the keel, so much as she treads on the ground, and the breadth to be taken by the midship beam from plank to plank, and half that breadth shall be accounted for the depth of every such ship or vessel; then multiply the length by the breadth, and the product thereof by the depth, and divide the whole by ninety-four, and the quotient shall give the true contents of the tonnage; according to which method, all ships, and other vessels, shall be measured, and the several duties of tonnage thereby be computed, and collected accordingly.

If the lading of any ship, or other vessel, which shall be liable to the payment of the duties of tonnage, imposed, and payable by this act, according to the burden of such ship or other vessel, by admeasurement thereof, in manner as before directed, shall consist partly of lead, oysters, slates, or paving-stones, (which are exempted by this act from the payment of tonnage) and partly with other wares and merchandizes, in respect whereof such ship or vessel will be liable to the payment of the duties and tonnage by this act imposed; in every such case, there shall be a deduction made from the tonnage of every such ship, or other vessel, in proportion to the quantity of such lead, oysters, slates, or paving-stones, contained in every such ship or other vessel.

In all cases where skins or wool shall be imported, such skins or wools shall pay the rates of tonnage by weight only, and not according to the burden of such ship, or other vessel, by admeasurement thereof; and where the lading shall consist partly of skins, or wool, or both of them, and partly of other wares and merchandizes, in respect whereof such ship or vessel will be liable to the payment of the duties of tonnage by this act imposed, a deduction shall be made from the tonnage or burden of such ship, or other vessel, in proportion to the weight of such skins or wool; and if any dispute arises concerning the true weight of such skin or wool, the importer shall, at his own costs and charges, provide proper and convenient weights, beams, scales, for weighing the same.

If the master, or other person, taking charge of any sloop, hoy, &c. carrying goods from or to the city of Chester, or through any part of the said new channel, in order to be put on board, or discharged from any ship or other vessel, lying at Park-Gate, Flint, or any other place within the said port of Chester, and below the said new channel, &c. or carrying any goods from or to the city of Chester, to or from any part of Wales, shall chuse to pay the duty and tonnage, according to the weight and quantity of the goods, and not according to the burden of the sloop, &c. by the admeasurement thereof; and such master, &c. shall make such declaration, upon entering of any such sloop, &c. inwards or outwards; in such case, the duty and tonnage shall be paid according to the weight of the goods, and not according to the burden of such sloop, &c. by admeasurement thereof.

In case any dispute shall arise between the collector of the tonnage, payable by this act, and the master or other person, having charge of any ship, or other vessel, such collector shall weigh, measure, or gage all goods, wares, or merchandizes, at the time of the shipping or unshipping thereof; and if such goods shall, upon such weighing, measuring, or gaging, appear to be of as great, or greater quantity, than such collector did affirm and insist the same to be, before the weighing thereof, &c. the master, &c. taking charge of the said vessel, shall pay the costs and charges of such weighing, measuring, &c.

The several rates of tonnage, payable by this act, shall be paid by the masters, or owners of every such ship or vessel, before they shall be cleared inwards or outwards, by any of the officers of his majesty's customs, at the port of Chester; and if any such officer shall clear any ship, until the masters produce an acquittance; or if any master refuse, or neglect to pay the said duty, the offender shall, for every default, forfeit twenty pounds to the company, &c.

The said collectors may go on board any ship, hoy, &c. to take the dimensions thereof, and to demand the duties payable by this act; and for non-payment thereof, or refusal to let such officer take the dimensions, he may distrain, and, after ten days, sell the distress, &c.

It is provided by the act 6 Geo. II. that Nathaniel Kinderley, his heirs, &c. shall make a wet dock for the ships to lie in; and that there shall be paid to Nathaniel Kinderley, &c. for every ship or vessel, loaden within the said dock, nine-pence *per* ton; the said duty is hereby altered to six-pence *per* ton, and no more, &c.

The term of three years after completing the said work of navigation being expired, and the trustees of the 10,000*l.* deposit, having, by sale of part of the South-Sea annuities (in which the said 10,000*l.* was invested) raised, and paid all the monies that they had been ordered, to be paid by them, by virtue of 6 Geo. II. and the residue of the said deposit,

deposit, which, at present, consists of 7180l. 3s. 8d. Old South-Sea annuity-stock, now remaining in the names of Thomas Revel and John Bland, the survivors of the said trustees (John Manley being dead) it is enacted, that they shall, on or before the 25th day of May, 1744, transfer to the company and their successors, the said 7180l. 3s. 8d. remaining in their hands or names.

The tonnage duties, arising by this act, shall, at all times hereafter, be liable to answer the damages, in the act of 6 Geo. II. mentioned, under the same regulations, and subject to be levied and applied to the same uses, as the duties of tonnage, imposed by the said act, (and hereby repealed) were thereby made subject to.

In case the tonnage-duties shall not be sufficient to pay such damages, that then all and singular the white sands, and all other the premises, by the said act of 6 Geo. II. vested in Nathaniel Kinderley, &c. and, by the said subsequent act of 14 Geo. II. in the said company, and their successors, are hereby declared to be subject to the payment, or satisfaction for all such damages, as shall be directed to be paid, in pursuance of the said act of 6 Geo. II.

The river being subject, in dry seasons, to be filled up with sand, so that, at a moderate spring-tide, it may frequently happen, that there may not be sixteen feet water in every part of the river, until the said sands shall be removed, by the freshes coming down the river; it is therefore enacted, that, instead of sixteen feet water, at a moderate spring-tide, the said company and their successors shall, at all times hereafter, maintain the said river Dee, from the sea to Wilcox-Point, that, on the computation of a moderate spring-tide, as marked on the standard, there shall be fifteen feet water in every part of the channel, for ships and vessels to come and go to and from the said city.

The mayor, &c. of the city, shall appoint one proper person, and the company another, which persons are hereby constituted the supervisors of the navigation of the river Dee, and each of them shall have full power to sound the said river, or any part thereof, for three successive tides, as often as they shall be required so to do by the said mayor, &c. or the said company, or the collectors appointed to receive the tonnage, and if, on any such soundings so made, the channel of any part of the river shall appear to be choked up, so that there would not, at a moderate spring-tide, (according to the height marked on the standard) be in the channel of every part of the river from the sea to Wilcox-point, fifteen feet water; and, in case either of the supervisors shall make an affidavit thereof in writing, before any justice of the city or county of Chester, describing the particular parts of the river, which shall be too shallow, &c. and, if the said company shall, for the space of four calendar months, suffer the said river to continue choked up, so that, on the computation of a moderate spring-tide, as marked on the said standard, there shall not be fifteen feet water in the channel, &c. as often as the said event shall happen, the payment of the tonnage-rates shall be suspended, and not collected until the said depth of fifteen feet shall be regained; from which time the tonnage-duties shall be again revived, and become payable as before, and so *toties quoties*.

If the company neglect to cleanse and deepen the river eight months after the said term of four months shall be expired, so that, on a computation of a moderate spring-tide, &c. there shall not be fifteen feet water in the channel, &c. the commissioners empowered by the act 6 Geo. II. at a meeting to be held for that purpose, of which twenty days notice shall be given in the London Gazette, and by fixing notice in writing on the castle-gate of Chester, by warrant under their hands, shall appoint proper persons, to enter into and upon the white sands, lands, &c. by this or the former acts vested in the company, and to take possession thereof, and receive the rents and profits thereof, and to distrain for the same, as they shall see occasion, till they have received so much money, as shall be necessary to defray the charges, occasioned by such distresses or entry respectively, so as such possession, receipt, or rents and powers of distress, shall not extend to avoid any lease, which may hereafter be granted by the company to any tenant, at the improved rent, without taking any fine for the same, or to compel such tenant to pay any more than the arrears of rent due; and so as such possession, and receipts of rents,

and power of distress, shall continue no longer than until the depth of fifteen feet shall be regained; and the money expended in regaining thereof, and the charges occasioned by such entry, possession, and distress, shall be satisfied, and the money so to be raised and received shall be employed for those respective purposes, as the major part of the said commissioners shall direct.

Provided, that no such order made by the said commissioners shall be binding, unless thirteen, at least, in number shall be present at such meeting.

The said supervisors shall (if required) weekly sound the river, and shall make an affidavit in writing of the truth of such soundings.

The supervisors shall, at the expence of the company, on or before the 29th of September, 1744, cause to be erected in such parts of the river as they shall think fit, two or more piles of timber, or other durable materials, to be therein fixed, so as the tops thereof shall be exactly level with the height of nine feet above the apron of the Ten-Gate-Sluice, as the same is marked on the standard, which piles and standard shall for ever hereafter be kept in repair, and renewed as occasion shall require; and, if any person shall wilfully damage or destroy the same, they shall, for every such offence, forfeit two hundred pounds, &c.

Two ferry-boats shall at all times, after May 25, 1744, be constantly kept by the said company and their successors, at their own expences, at such parts of the new channel as the ferry-boats already appointed have worked at, since the making the said navigation, with proper and sufficient attendants, and all substantial and effectual ropes, tackle, and necessaries proper thereunto, for the public use and benefit of all his majesty's subjects, passing and repassing in those parts; and the persons attending such boats shall ferry over all passengers, when required, without being paid any thing for the same.

The commissioners appointed by the act 6 Geo. II. or any thirteen of them, at any of their meetings, may fix out one or more convenient roads, in any places over the sands, soil, and ground, vested in the company, lying on the north side of the new channel, within the extent of the said channel, to lead to and from the said two ferries, or either of them, to the said city of Chester, and to the towns of Shotwicke and Shough-Hall, in the hundred of Worral, in the said county of Chester; and every such road shall be for ever maintained and repaired at the expence of the company and their successors.

If the said company and their successors shall neglect to maintain and repair the said roads, or to supply such ferry-boats with sufficient attendants, &c. on every such neglect the said commissioners, empowered by the act of 6 Geo. II. may affix on the said company such reasonable penalty as they shall think fit, &c.

The said company, assembled in a general court, shall have power to call in from their members, proportionally according to their respective shares in the capital stock, any further sums of money, as by such general court shall, from time to time, be judged necessary, not exceeding with the call of five *per cent.* already made, pursuant to the said former act, in the whole the sum of forty *per cent.* And if any members, &c. who have or shall be required to pay in money upon any calls, &c. shall neglect to pay their share of the money so called for, at the time appointed, by notice in the London Gazette, and on the Royal Exchange in London, the said company may not only stop the share, dividend, and profit, which shall become payable to such members so neglecting, and apply the same towards payment of the share of money so called for, till the same shall be satisfied; but also may stop the transfers, or assignments of the shares of every such defaulter, with interest after the rate of eight *per cent. per annum* for the money, so by them omitted to be paid, from the time the same was appointed to be paid, until the payment thereof; and that the shares and stock-shares, and stocks of such defaulters, shall be liable to make good the monies so appointed to be paid, and interest as aforesaid; and, if the principal and interest shall be unpaid, by the space of three months, then the company, &c. shall have power to sell and assign so much of the said stock of such defaulter as will satisfy the same, rendering the overplus (if any be) to the proprietors; and the money so called for and paid in, shall be deemed capital stock, &c.

If any of the said gutters or waste lands to be described in the survey, shall hereafter be filled up, and become firm land and grassed over, it shall be set against the like quantity of the marsh-lands which shall be washed away; and the said company shall be obliged to make a recompence only for the residue of the said marsh-lands, which may be destroyed as aforesaid.

It shall not be lawful for the company, or their undertenants, &c. at any time hereafter, to build cottages on the said pieces of marsh-land, containing three acres, and five acres, or on the banks and forelands on either side of the new cut, or on the foreland of twenty feet in breadth, herein before declared to be vested in the company, without the licence of the lord of the manor within which the same shall lie, first obtained in writing under his hand and seal; and the said company, &c. shall not have any right of common on the said common salt-marshes, as appendant to the soil of the new cut, or the banks or forelands thereof, &c.

This act shall not extend to prejudice the proprietors of any royalties and liberties of fishing and fowling upon the river, &c.

Nothing herein, or in the said act of 6 Geo. II. contained, shall extend to hinder Sir John Glynne, owner of the castle and manor of Hawarden, or his heirs, from enjoying all such rights and privileges, royalties and jurisdictions, as he or his ancestors might have done, in case this or the said former act had never been made; so that such rights, &c. do not infringe on the rights and powers given the undertakers by the said act.

Nothing in this act shall affect any right or property that John Theedam of the Inner-Temple, London, Gent. his heirs, &c. hath or have to the white sands, lands, and hereditaments in the former act of 6 Geo. II. mentioned; but the said right, &c. shall remain to him, his heirs, &c. for ever, as if this act had never been made.

No person shall hang any net or other engine in, over, or across the channel of the said river, or fix any stakes in the same, or on the banks thereof, to the prejudice of the channel, or hindrance of the navigation.

Nothing in this act contained shall take away or lessen the powers given by the said act of 6 Geo. II. to the commissioners appointed in pursuance of the said act; but that they shall have the same powers and authorities as they had before the making this act; and all other clauses and things in the said act of 6 and 14 Geo. II. which are not hereby repealed or varied, are ratified and confirmed.

All actions and suits at any time heretofore commenced or prosecuted in any courts of law or equity between the mayor and citizens of the said city, and the company; or between any of the merchants or traders of the city, or other persons, and the said company, relating to any of the matters aforesaid, and depending at the time of passing this act, shall immediately cease and be discontinued; and no actions or suits shall be hereafter commenced or carried on by the company against the mayor and citizens of the said city, in respect to the use or occupation, or of the rents and profits of such part of the Roode, as by the said act of 6 Geo. II. was vested in Nathaniel Kinderley, his heirs, &c. antecedent to the said 25th day of May, 1744, or against any of the merchants or traders of the city of Chester, or any persons, on account of any sums of money due for any of the duties or tonnage made payable by the said recited act of 6 Geo. II. and hereby repealed, as aforesaid, or upon any security given for the same.

All actions commenced for any thing done in pursuance of this act, shall be brought within twelve months after the fact committed, and laid in the county, where the cause of action shall arise, &c.

This act shall be deemed a public act, &c.

An act of 26 Geo. II. recites the former, and confirms an agreement entered into between the company, Sir John Glynne, and others, as to right of common and other affairs; and likewise as to allowance of a certain sum of money to Sir John Glynne, for making a new bank with one or more sluices, and to keep the same in repair; and likewise impowers the company to make a call not exceeding twenty per cent. more than was allowed by the last act.

DEED, is an instrument written on parchment or paper, consisting of three things, viz. *writing, sealing, and deli-*

very, and comprehending a contract or bargain between party and party; of which there are two sorts, *deeds indented* and *deeds poll*; which names arise from the form or fashion of them, the one being cut in and out in the top or side, which we call indented, the other being plain. A *deed indented* is a deed consisting of two parts or more (for there are *tripartite, quadripartite* and *sempartite* *deeds*; as that of Henry VII. concerning his royal chapel at Westminster,) in which it is expressed, that the parties thereto have to every part thereof interchangeably set their several seals. The cause of their indenting is, that it may appear they belong to one business or contract. A *deed poll*, or polled, is a plain deed without indenting; and is used, when the vendor, for example, only seals, and there is no need of the vendee's sealing a counter-part, by reason the nature of the contract is such, that it requires no covenant from the vendee; unless in such case the vendor will, out of caution or curiosity, have a counter-part, to see, upon any occasion, what covenants himself hath given.

To the validity of a *deed*, there are ten things necessarily incident, 1. Writing. 2. In parchment, vellum, or paper. 3. A person able to contract. 4. By a sufficient name. 5. A person able to be contracted with. 6. By a sufficient name. 7. A thing to be contracted for. 8. Apt words required by law. 9. Sealing. And, 10. Delivery. *Co. Litt. 35. b.*

DEMURRAGE, in commerce, an allowance made to the master of a ship by the merchants, for staying in a port longer than the first time appointed for his departure.

DENBIGHSHIRE, is very fruitful in many parts, more especially in rye, goats, and sheep: *Denbigh* is noted for glovers and tanners. Near *Mwinglath*, and in several other parts, are good lead mines; and large parcels of flannels are sold at *Wrexham* market, with huckaback linen to the value of five hundred pounds, weekly; blankets are also made in this part of the country, and some stockings, both of worsted and yarn.

DENDRITIS, in natural history, a sort of whitish stone, whereon are seen trees, shrubs, and other figures, represented in miniature, in blackish, or yellowish colours.

Some will have the *dendritis* to be a species of stone-plants; but as the branches of trees, &c. represented on the *dendritis* are never confounded together, nor shoot across each other, as those of stone-plants are generally found to do, most authors will not admit of ranking them in this class. Besides, the fire deprives the *dendritis* of all its figures, without reducing the stone to ashes, which does not hold of any stone-plant. And hence it appears, that the figures of the *dendritis* are external, and the effect of a colour applied on the stone, not artificially, but by nature.

DENIER TOURNOIS. A small piece of copper money, formerly current in France, and so still in some provinces beyond the Loire. The officers of the mint of France call it *deneral*, or *denier of value*, to distinguish it from what they call *denier of weight*. There are at present in France several little copper pieces, which, having no proper name, are distinguished by their value in *deniers*.

DENIZATION is the enfranchising an alien; making him a subject by the king's letters patent, and he is called *donaison*, because his legitimation proceeds *ex donatione regis* (from the king's gift.) Such a one is enabled, in many respects, to do as the king's native subjects do, to purchase and possess lands, enjoy any office or dignity; and when he is thus enfranchised, he is said to be under the king's protection, or *esse ad fidem regis Angliæ*, before which time he can possess nothing in England. But notwithstanding this, it is short of naturalization; for a stranger naturalized may inherit lands by descent, which a *denizen* cannot; and in the charter, whereby a person is made a *denizen*, there is commonly contained some clause, that expressly abridges him of that full benefit which natural subjects enjoy. *Bract. lib. 5. tract. 5. c. 25. 2 Inst. 741.*

When the king makes a *denizen* by letters patent, he may purchase lands, and his issue, *born afterwards*, may inherit them; but those he had before shall not; and though a *denizen* is enabled to purchase, he cannot inherit the lands of his ancestors, but as a purchaser he may enjoy them; and he may take lands by devise. *1 Inst. 8. 11 Rep. 67. 5 Rep. 52.*



MAP OF
DENMARK,
from the Sieur Roberts
ATLAS,
with Improvements.

British Statute Miles
0 10 20 30 40 50 60 70

Longitude East 12 from London

J. Gibson Sculp.

Aliens made *denizens* are incapable of offices in the government, to be members of parliament, &c. 12 Will. III. c. 2. 1 Geo. I. c. 4.

It is so high a prerogative to make aliens subjects and *denizens*, that the king cannot grant this power over to any other. 7 Rep. Wood's *Inft.* 22. See ALIENS, NATURALIZATION.

DENMARK. The port of Copenhagen, capital of this kingdom, is not only the finest in the Baltic, but one of the most convenient and safe in all Europe; it is also here that the chief trade of *Denmark* is transacted, though some business is likewise done at Elsinour, but neither at the one or the other any thing in comparison with the negotiations of the rest of this sea. The goods that sell best in *Denmark*, are Spanish and Portugal salt, (except their consumption has been affected by the mine discovered at Oldehoe in 1730) French wines and brandies, paper, gold and silver stuffs, silks, English and Dutch woollens, spice, medicinal drugs, and pepper. Tallow, hemp, cod, stock-fish, wheat, and rye from the little isle of Zeeland, are almost all the merchandizes shipped from hence, the extraction of carpenters wood excepted. The Dutch also transport from the country of Jutland, a quantity of lean horned cattle yearly, which they fatten in their pastures, and reap therefrom a considerable advantage.

After Copenhagen, the most trading cities of *Denmark* are Ufted, Christianstadt, Carelsroon, Salsbourgh, Carels-haven, and particularly Elsinour, from which the extracts are, some small masts, deal-boards, tar, tallow, beeves, and goat-skins. The major part of which trade, and indeed that transacted with all the places in this kingdom, except the capital, is by way of barter, or the intervention of rix-dollars, brought here by the dealers for that purpose.

The other isles next to Zeeland, or Siælan, in which Copenhagen stands, are Fuhnen, Laland, Langeland, Falster, Mune, Samsoe, Arroe, Barnholm, and Amack; of which the first is nothing inferior to the principal island, either in extent or goodness: it abounds in wheat, hogs, lakes and wood, though it produces nothing for transportation but horses, the fruits being all consumed at home.

Laland yields abundance of all sorts of corn, especially wheat, from whence the metropolis and other parts of the kingdom are supplied; besides which, the Dutch export a good deal yearly.

Falster, Langeland, and Mune, are numbered among the fertile islands, and the two first yield some grain for an annual transportation. Arroe and Alsen abound in aniseed, which the natives ordinarily use to season their victuals, and even mix it with their bread. Bornholm, Samsoe, and the other isles breed cattle, and produce a sufficiency of corn for the inhabitants; but that of Amack deserves to be examined apart. This little island is very near to Copenhagen, from whence it is separated only by a small arm of the sea, which is passed by a draw-bridge, and this spot is the most fruitful of any other territory in *Denmark*. It was many years ago given to some Hollanders, transported here to manage the dairy, in making butter and cheese for the court; they had great privileges granted them, of which they enjoy some to this day, but others have been curtailed, and it is to be feared that by little and little they will come to be placed on the footing of other subjects: the industry and diligence of the inhabitants of this isle have made it, as one may say, the kitchen-garden of Copenhagen, and nothing in the whole kingdom is to be found of the sort that exceeds what this produces and has growing here.

In general, though *Denmark* be of great extent, it notwithstanding yields but in small quantities the necessaries of life, few products for the merchants, and till lately no manufactures at all; but to remedy this long-continued neglect, and stir up the people to an imitation of their industrious neighbours, by an ordinance of the king's, of the 28th of November, 1727, all merchants were prohibited to send to Iceland any other cloths than those made at Copenhagen. There are also established some fabrics of linens at Zweick Blanck, and Lubsch, which are sufficient to supply all the provinces of the kingdom, inasmuch that the chamber of finances and trade forbid, by the king's order in September, 1728, the entrance of foreign linens. In a council held February, 1725, it was resolved to raise a tax or impost on all the cities both of *Denmark* and Norway, and to

employ the produce in establishing a fishery in Greenland.

The 13th of January, 1727, his majesty interdicted the entry of any foreign goods into the kingdom by the way of Breinen and Lubeck; and for a still greater encouragement to trade, the king in February, 1730, published an ordinance to lower the duties on entry of the goods, that the merchants, his subjects, should introduce directly from foreign countries, which however should not take place on those brought into the kingdom by strangers.

In August the same year, an edict was proclaimed, by which that monarch enjoined all his trading subjects, not to send any ships to Portugal or Spain, with a less force than eighteen guns, and a proportionable crew, to defend themselves against the Barbary corsairs, in case of need.

And in January, 1731, Christian VI. suppressed the farm of the customs on wine, brandy, salt, and tobacco; permitting both the Danes and Norwegians to trade in them.

Our exports to *Denmark* are but trifling, being reduced to a few woollens, paper, drugs; pepper, tins, herrings, &c. and as our imports greatly exceed our exports in value, this must consequently be a very losing trade to us, and as such should have been dropped long ago; more especially as every commodity we receive from thence might be better furnished from our own plantations, these commodities consisting principally in pitch, tar, fir, timber, deals, masts, yards, spars, baulks, some few furs, skins, &c.

The trade to *Denmark* is free to all persons, by 25 Car. II. c. 7. s. 6. For further particulars concerning the trade of this country, see HOLSTEIN, JUTLAND, NORWAY, and the SOUND.

DENTALIUM, a kind of shell, used in medicine, when pulverized, as an alkali and absorbent. Great things have been recorded of its virtues, but the readiness of oyster-shells has quite thrown it out of use.

DERBYSHIRE. The manufactures of this shire are only woven stockings of several sorts, with some felt, castor, and beaver hats; it is very fertile in corn and cattle, sending a good deal of pot-butter to London, (as mentioned under BUCKINGHAMSHIRE) and jointly with Nottinghamshire, and part of Staffordshire, about two thousand ton of cheese yearly; this is sent down the Trent, from Burton, &c. and the Derwent, from Derby to Gainsborough into the Humber, being of a thin sort, and sold in London under the denomination of Warwickshire cheese. Here are quarries of free-stone and marble, abundance of mill, lime, and whet-stones, with some crystal and alabaster. Its mines are stored with coal, iron, (principally used by the nailers, and in the small manufactures at Birmingham, &c.) and lead, the latter being very plenty, and the best in England; the Peak is famous for producing it, and its other wonders, as Derby is for Sir Thomas Lambe's engines erected there on the river Derwent, for making organzine or thrown silk, and for whose introduction the parliament, in 1732, gave him 14,000*l.* It contains 26,586 wheels, and 97,746 movements, which works 73,726 yards of silk thread every time the water-wheel goes round, which is thrice in one minute, and 318,496,320 yards in the twenty-four hours; one water-wheel gives motion to all the other wheels and movements, of which any one may be stopped separately, which is very extraordinary in so complicated a machine; one fire-engine conveys warm air to every individual part of it, and one regulator governs the whole work.

DERHEM, a small Persian weight, one fifth of a pound. See BATMAN.

DESIGN, or **DESIGNING**, in the manufactures, expresses the figures wherewith the workman enriches his stuff or silk, and which he copies after some painter, or eminent draughtsman; as in diaper, damask, and other flowered silk and tapestry, and the like, &c.

The art of *designing*, from the encouragement given by the Society of Arts, Manufactures, and Commerce, has been far more cultivated in this kingdom than heretofore.

DESIGNER, the professor of this business is sometimes employed by manufacturers, and sometimes by authors or booksellers in drawing draughts of the plates intended to embellish a work; as the representation of some interesting passage of history, or an emblematical frontispiece, &c. to

be

be copied by the engraver. This business is frequently performed by the history painter, and sometimes by an engraver well skilled in drawing, and there are few or none who make it their sole employment; though some find it a valuable branch of business.

The *designer* draws his figures exactly in the same manner in which they are to be engraved, and shades them with Indian ink. He ought to draw with great accuracy and beauty, and to be a perfect master of the doctrine of lights and shades. He should be acquainted with the rules of perspective, understand history, and, in particular, be well versed in the heathen mythology. To these qualifications should be added a lively imagination, and, what is essentially necessary, a genius and taste for the polite arts. Thus qualified, the ingenious *designer* may earn from half a guinea to a guinea and upwards a day.

DEVONSHIRE affords many things similar to the products of Cornwall, as tin, lead, copper, pilchards, &c. though not in the same abundance; and though it is more fruitful than that, yet its riches are the effects of its manufactures, which consist in serges, kerseys, and bone-lace; so great a quantity of the first are made in the neighbourhood of Exeter, as to furnish the market of that city with ten thousand pounds worth weekly; here are also made some broad-cloth, mixed or medleys, and from its ports are sent more fishermen to America than from any other county in England.

DIAL-PLATE ENAMELLER. Those of this business make enamelled dial-plates, which they sell to the watch-makers. They take the brass plates, cover them with white enamel when wet, mark the numerals, and fix the enamel by fire. They take from ten to twenty pounds with an apprentice; and a small sum will set up a master, who may make a comfortable subsistence of this branch of business.

DIAMOND, in natural history, a stone which, though naturally colourless like the purest water, is eminently distinguished from all others of the colourless kind by the lustre of its reflections.

It is found sometimes in an angular and sometimes in a pebble-like form. In its angular state, however, it does not, like the rest, resemble the common spring-crystal; but the more perfect bodies of that class, the double-pointed ones: in whichever of these forms the *diamond* is found, it is the same stone, and, when polished, has the same qualities in proportion to its perfection and purity.

The *diamond*, like all other transparent fossils, is liable to be tinged with metalline particles, and is sometimes found with a cast of red, sometimes blue, sometimes green, and more frequently yellow. The small *diamonds* are vastly the more plentiful; the others are found more and more rarely as they increase in size. The largest ever certainly known, is now in the possession of the great Mogul; its weight is two hundred and seventy-nine carats, and its value is computed at between seven and eight hundred thousand pounds.

The *diamond* in its native state is sometimes bright as if polished by art, but more frequently its surface is obscured with foulnesses of various kinds; and sometimes it is, as the *diamond-cutter* calls it, veiny, that is, it has certain points inconceivably hard on its surface.

The *diamond* bears the force of the strongest fire unhurt, if ever so long continued in it, provided it be not removed too suddenly into the cool air, when it will sometimes crack. Exposed to the solar rays collected in the focus of a large lens, it after some time splits into several very thin flakes like those of talc, and these soon after run into a kind of glass, which has nothing of the hardness or lustre of the *diamond*.

The only places where *diamonds* have yet been found are the East-Indies and Brazil; the last of these is but newly discovered to have any, and hitherto it does not appear that they are produced there in such great abundance.

There are four mines, or rather two mines and two rivers, from whence *diamonds* are chiefly brought. These are,

1. That of *Raolconda*, in the province of *Carnatica*, five days journey from *Golconda*, and eight from *Visapour*. This has been discovered about two hundred years and upwards.

In the neighbourhood of this mine, the earth is sandy, and full of rocks and copse. In these rocks are found several little veins of half, and sometimes a whole inch-broad, out of which the miners, with a kind of hooked irons, draw the sand or earth, in which the *diamonds* are, breaking the rocks, when the vein terminates, that the track may be found again and continued.

When a sufficient quantity of earth or sand is drawn forth, they wash it two or three times, to separate the stones from it. The miners work naked, except a thin linen cloth before them; and, besides this precaution, have also inspectors to prevent their concealing of stones; which, notwithstanding all this care, they frequently find means to do, by watching opportunities, when they are not observed, and swallowing them down.

2. That of *Gani*, or *Coulour*, seven days journey from *Golconda* eastwardly. It was discovered between a hundred and forty and a hundred and fifty years since by a peasant who, digging in the ground, found a natural fragment of twenty-five carats. In this mine are found a great number of stones, from ten to forty carats, and even more; and it was here that famous *diamond* of *Aurengzebe*, the great Mogul, was found.

The stones of this mine are not very clear, and their water is usually tinged with the quality of the soil, it being black, where that is marshy; red, where it partakes of red; and sometimes green and yellow, if the ground happens to be of these colours. Another defect of some consequence is a kind of fat appearing upon the *diamond*, when cut, which takes off part of its lustre. There are commonly not less than sixty thousand persons, men, women, and children, at work in this mine.

When the miners have found a place where they intend to dig, they level another somewhat bigger not far from it, and inclose it with walls about two feet high, only leaving apertures from space to space to give passage to the water.

After performing a few superstitious ceremonies, and a kind of feast, which the master of the mine entertains the workmen with, to encourage them; they betake themselves to their business, the men digging the earth in the place first discovered, and the women and children carrying it off into the other walled round.

They dig twelve or fourteen feet deep, or till they find water. Then they cease digging, and the water thus found serves to wash the earth two or three times, after which it is let out at the openings left for that purpose. This earth being well washed and dried, they sift it in a kind of open sieve, or riddle; then they thresh it and sift it again, searching it well with their hands to find the *diamonds*. They work naked, as in the mine of *Raolconda*; and are watched in like manner by their inspectors.

3. That of *Soumelpour*, a large town in the kingdom of *Bengal*, near the *diamond-mine*: this is the most ancient of them all. It should rather be called that of *Goual*, which is the name of the river, in the sand of which the stones are found. *Soumelpour* is a large town, built of earth, and covered with branches of cacao-trees; the river of *Goual* running by the foot of it in its passage from the high mountains towards the south of the *Ganges*, where it loses its name.

From this river are brought all our fine *diamond-points*, or sparks, called natural sparks.

They never begin to seek for *diamonds* in this river till after the great rains are over, that is, after the month of December: and they usually even wait till the water is grown clear, which is not before January.

When the season is come, eight or ten thousand persons, of all ages and sexes, come out of *Soumelpour*, and the neighbouring villages. The most experienced among them search and examine the sand of the river, going up it from *Soumelpour* to the very mountain whence it springs. A great sign that there are *diamonds* in it, is the finding those stones which the Europeans call *thunder-stones*. When all the sand of the river, which at that time is very low, has been well examined, they proceed to take up that wherein they judge *diamonds* likely to be found, which is done after the following manner: they dam the place round with stones, earth, and fascines, and lading out the water, dig about two feet deep; the sand they take out is carried into a place walled round on the bank of the river. The rest is performed after the manner as at

Coulour,

Coulour, and the workmen are watched with equal strictness.

4. The last mine, or rather the second river, is that of *Succudan* in the island of *Borneo*. We are but little acquainted with this mine; the queen, who reigns in that part of the island, not allowing strangers to have any commerce in these stones; though there are very fine ones to be bought at *Batavia*, which are brought thither by stealth. They were anciently imagined to be better than those of the other mines; but experience shews that they are in no respect inferior to them.

The *diamond* is the hardest of all precious stones; it can only be ground and cut by itself, and its own substance.

A rough *diamond* ought to be chosen uniform, of a good shape, transparent, not quite white, and free from flaws and shivers.

The finest *diamonds* now in the world are that of the great Mogul, weighing two hundred and seventy-nine carats; that of the great duke of Tuscany, weighing a hundred and thirty-nine carats; and that known in France by the name of *grand fancy*, which is one of the crown-jewels, weighing a hundred and six carats; whence comes its name *fancy*, which is a corruption of *cent. six*, i. e. a hundred and six.

Diamonds and precious stones may be imported and exported duty free; saving the duty granted to the East-India company on *diamonds* imported from any place within the limits of their charter. 6 Geo. II. c. 7. §. 1, 2.

DIAMOND-CUTTER, differs from the lapidary only in his cutting no other jewels but *diamonds*, while the latter is solely employed in cutting jewels of less value. The cutting of *diamonds* is performed by the help of an engine and diamond-powder; and the skill of the workman consists in the manner of cutting the *diamond*, so as to conceal its flaws, if it has any, in giving it its full lustre, and cutting it in such a manner as it may make the greatest shew, and lose least of its weight. This is not a laborious branch of business; it is profitable to the master, who commonly takes about ten pounds with an apprentice. The journeymen earn from fifteen shillings to a guinea a week; and about a hundred pounds will enable one of them to commence master.

DINAR, a Persian word, signifying sometimes all sorts of gold coins, and at other times a small imaginary specie, worth one denier.

DINAR CHERAY, a Persian weight of the value of a dollar, or golden ducat.

DING, a general name for all weights at Siam, in particular; they have scarcely any others separate from their coins, though this is only to be understood of the silver ones, gold having no currency here as money, but is bought and sold as a merchandize, and is worth twelve times as much as silver. The weights of Siam, that have the same name with their money, are the Cali, or Schang, the Mayon or Seling, the Fouan, Sompaye, Paye, and the Clam.

DIRECTION-CHAMBER, is a court instituted in Old Spain, for the regulation of divers affairs, relating to their commerce to the Spanish West-Indies.

In order to dispatch the business of this court, the president and commissioners, or judges by office, meet; and if any notable affair occurs, which the president thinks fit to consult the *aydores*, or lawyers, about, he sends for them, who take their places according to seniority.

So great a variety of people repairing to this chamber on business, it was impossible to assign every degree its place; but the general rule is, that the *seinte y quattros*, or aldermen of Seville, *jurados*, another sort of magistrates, &c. sit on the side-benches, all others standing below. Any nobleman of Castile, counsellor of the king, or archbishop, have a chair under the canopy, on the president's left-hand; but all others, though admirals, sit on the side-benches.

The whole jurisdiction was in this chamber alone, till the erecting the chamber of justice in 1563. From their first institution till that time, they had full power in all cases relating to affairs of the West-Indies. Suits arising on matters not concerning the king's revenue, may be tried at the parties pleasure, before this or any other court; and so in case of controversies arising after

the fleet is cleared, and goods delivered, unless the parties be owners, or masters of ships, pilots, or sailors.

This court has the right of trying those that lose ships, or are the cause of it; and of those that intercept or break open letters sent to the West-Indies. In trials between several owners of one ship, about the sale or freight of her, an appeal is allowed from this tribunal to the council. Factors, not answering their merchants returns, may, by their order, be brought from the West-Indies; and even have been taken out of churches, giving security not to inflict corporal punishment. This chamber takes all sureties, as well for their own officers as for admirals, vice-admirals, and masters of ships trading to the West-Indies, of all which copies are delivered to the solicitor.

If any business occurs when the court is not sitting, the commissioners are called together. The president, or in his absence, the eldest commissioner, delivers what has been determined. When any thing is put to the vote, the court is cleared, and the youngest speaks first, but the eldest signs first. If they cannot agree in opinion, and the delay will not be prejudicial, it is referred to the king, sending the several opinions to the council. But, if the business requires dispatch, or is not of great moment, most votes carry it; he that dissents may enter his dissent, but must sign the decree, to give it the greater authority.

This court also makes choice of ships, both in the *armadas* and *flotas*; pays the hire of ships occasionally pressed to make up the *armadas*; admits those thought fit to make up the *flotas*; appoints masters, licences, passengers, examines all rules and contracts for provisions, &c. passes all orders for payments out of the revenue &c. as also for freight due to masters of vessels, and for defraying the expenses of religious persons, who go to the West-Indies on the king's account. It has also in charge making the most of uncoined silver and gold, pearls, emeralds, and other commodities of the revenue, fines, salaries of the council, &c. puts up, and disposes all packets of letters from the king, or private persons, and forwards all that come over for the king and council.

The president and commissioners are to look to the receipt of the quicksilver brought from the mine at *Almaden*, or any other place the king shall direct; to see it well put up, according to order, and to observe that all officers under them obey their respective ordonnances, and the instructions given them. The commissioners are to draw up the informations against masters of ships, sailors, and passengers, upon their visiting ships, and to examine witnesses, and then refer the whole to the chamber of justice. All warrants for apprehending any persons, issued by either chamber, must be directed to the *alguaziles* of the same court. No suits are to be sent up to the council before judgment given; no persons apprehended by this court, who appeal to the council to be discharged, till their causes are determined; and the *alguaziles* may be sent to all parts of the kingdom, not excepting the king's court; where, before they execute their warrants, they are to acquaint the king's attorney-general with them.

Any person upon trial, excepting against a judge of either chamber, is to give in the cause of such exception upon oath, in writing; and, if he proves not his allegations, shall be fined the tenth part of the value of the business depending, if the principal exceed not three hundred thousand maravedies. The president, and other judges, are to declare the sufficiency of the exceptions, as practised in this and all other courts. This is to be done with due modesty, the party begging leave of the president, or of the judge he excepts against; and the petition is not to be delivered to the *escriuano* or clerk, but to the president; for if the causes of exception alledged be not found sufficient to allow it, though they be proved, the petition is to be torn, and the petitioner fined three thousand maravedies.

DIRECTOR, he who presides in an assembly, or directs and conducts an affair. See BANK, COMPANY.

DISCOUNT, a term used among traders, merchants, and bankers. When by the two former, it is used sometimes on occasion of their buying commodities on the usual time of credit, with a condition that the seller shall allow the buyer a certain discount, at the rate of so much per cent. per annum, for the time for which the credit is generally given, upon condition that the buyer pays ready-money for such commodities, instead of taking the time of credit.

Also traders and merchants, frequently taking promissory notes for monies due payable to them, or order, at a certain time, and sometimes having occasion for money before the time is elapsed, procure those notes to be discounted by bankers, or other monied men, before the time of payment; which *discount* is more or less, according to the credit and reputation of the person who drew the note, and the indorser or indorsers, &c. Bills of exchange also are discounted by bankers, and the bank of England; wherein consists one article of the profits of banking. See BANK.

DISTILLER. The London distillery is divided into two branches; that of the *malt-distiller*, of which there are very few in number, but those are prodigious dealers; they use an amazing quantity of malt, and employ vast sums of money in trade. The others are the *compound-distillers*, who buy their malt-spirits of the former, and distilling them again with other ingredients, make gin, anniseed, &c. They also make a kind of brandy, by distilling from molasses.

The *malt-distiller* causes the malt to be ground and mashed, as if for brewing ale; the wort is taken off, and without being mixed with hops, is put to cool in backs. When cool it is drawn off into working vats, and fermented with yeast. This being done, it is put into a still, which is made about three parts full, and the fire is kept pretty brisk, till the liquor is almost ready to boil; when the head of the still is put on and luted to the worm, which passes through the worm-tub; the fire is then allowed to decrease till the spirits begin to run, and is kept in a constant slow heat till the whole is drawn off. The first production, which is called *low wines*, is again put into the still, which, with the worm, ought to be well cleaned; and being drawn off a second time, produces pure malt-spirits.

These malt-spirits the *malt-distiller* sells to the *compound-distillers*; who put a quantity of aniseed, juniper-berries, or other materials, into the malt-spirits, lowered with water, and then distill as before. This produces those liquors so fatal to the morals of the poor, called aniseed and gin.

Molasses-spirits are distilled from treacle, by the *compound-distillers*: here the molasses are diluted with water to a proper thickness; then warmed, fermented with yeast, and worked in the same manner as is done in preparing for the distillation of malt-spirits. When thoroughly fermented and distilled, it also obtains the name of low wines; and is distilled again in the same manner as malt-spirits.

The *malt-distillers* take three or four hundred pounds with an apprentice, who requires as many thousands to become master. The *compound-distillers* take between twenty and forty pounds with an apprentice; they allow a journeyman twenty or thirty pounds a year and his board, and require five hundred pounds, at least, to set up master.

All persons may distil spirits from malted corn. 2 Will. and Mar. stat. 2. c. 9. f. 11. 8 and 9 Will. III. c. 19. f. 13.

Penalties on setting up concealed vessels, or concealing their spirits. 3 Will. and Mar. c. 15. 8 and 9 Will. III. c. 19. f. 10. 10 and 11 Will. III. c. 4. f. 4. stat. 3. c. 21. f. 23.

Gaugers, &c. may break up ground to search for private pipes. 10 Will. III. c. 4. f. 4.

Gaugers, &c. to keep an account of Wash. 10 and 11 Will. III. c. 21. f. 22.

Distilling of spirits from corn restrained. 10 and 11 Will. III. c. 4. 30 Geo. II. c. 10. f. 15.

Distillers not to take licences as alehouse-keepers. 1 Ann. stat. 2. c. 14.

Distillers permitted to set up other trades. 9 Geo. II. c. 23. f. 21. 11 Geo. II. c. 14. f. 2.

Distillers not to act as justices upon the acts against retailing spirituous liquors. 11 Geo. II. c. 26. f. 8.

Duty on distillers licences to retail spirituous liquors. 20 Geo. II. c. 39. repealed, and an additional duty imposed. 24 Geo. II. c. 40.

Penalty on distillers selling spirituous liquors to be unlawfully retailed. 24 Geo. II. c. 40. f. 11.

Penalty on distiller not entering his vessels. 24 Geo. II. c. 40. f. 18.

Commissioners of excise empowered to reward informers

against unlawful retailers. 24 Geo. II. cap. 40. sect. 32.

Justices being distillers not to grant licences. 26 Geo. II. c. 13. f. 12.

Who are to be deemed common distillers. 33 Geo. II. c. 9. f. 13.

Penalty on malt-distillers making gin, &c. 33 Geo. II. c. 9. f. 17.

DITTANY. The true *dittany* of Crete is a kind of *origanum*, said to grow plentifully in that island, and in the Morea. The leaves, which are the only part of this plant in use with us, come from Italy. The best sort are well covered over with a thick, white down, sometimes intermixed with purplish flowers: they somewhat resemble lemon-thyme in smell and taste, but are more of an aromatic flavour, as well as a greater degree of pungency. When fresh, they yield a considerable quantity of an excellent essential oil.

The ancients have recorded almost miracles of its virtues in the cure of wounds, and in the prevention of mischief from venomous bites; they tell us that the beasts were informed of this, and had recourse to it accordingly. They also give it to promote the menses, and to assist delivery, in expelling the secundines, and in malignant fevers. With us, it is only used as an ingredient in some of the official compositions.

DITTO, in books of accounts, an Italian word, signifying *the same*.

DIU, a maritime place in the kingdom of Guzurate, has the reputation of being impregnable, and has always been, and still is, the strongest place the Portuguese have in these parts; it was here that they formerly kept their fleets; and it was also here, that the Moorish vessels were visited, and took their passports to secure their commerce; so that there was no place from whence the king of Portugal drew a greater revenue, either by the customhouse-duties, or the produce of the visits and passports.

DOGGER, is a small ship, built after the Dutch fashion, with a narrow stem, and commonly with but one mast.

DOMINICA Isle. See JAMAICA.

DOLLAR, a foreign coin, worth about four shillings and six-pence sterling.

DORSETSHIRE is noted for its beer, and yields great plenty of corn, cattle, and hemp, which latter was so abundant near *Bridport*, as to occasion many years ago, a fabric of cables for the royal navy to be erected there. The isles of *Portland* and *Purbeck* produce free-stone, marble, and tobacco-pipe clay; and the sheep bred in this county are innumerable, so that it is said, that within the circumference of six miles round the town of *Dorchester* only, there are six hundred thousand constantly feeding.

DOUBLOON, a Spanish and Portuguese coin, being the double of a pistole.

DOUDOU, is a copper money, current in some parts of the East, particularly at Surate and Pondicherry; it is worth a trifle less than two French liards, so that there go fourteen to the gold fanom of those places, or about six sols Tournois; and one *doudou* is worth two caches.

DOVER. By 11 Will. III. c. 5. f. 1. From the first of May, 1700, to the first of May, 1709, there shall be paid by the master of every English ship, of the burden of twenty tons, and not exceeding three hundred tons, for every loading and discharging within this realm, from, to, or by *Dover*, or coming into the harbour there, not having a cocket testifying his payment before that voyage, towards the repair of *Dover* harbour, three-pence for every ton; and of aliens ships of the burden aforesaid, the like sum (excepting ships laden with coals, grindstones, or *Purbeck* or *Portland* stones) and for every chaldron of sea-coals, or ton of grindstones, one penny half-penny; the same to be paid to the customer, or collector of the customs, in such port, whence such ship shall set forth, or where such ship shall arrive, before they load or unload; the account of the number of tons to be made according to the entry of the goods of every ship in the customhouse, and no entry of the goods to be allowed without information made on oath by the master, containing the burden thereof, and payment made of the sums aforesaid; of which payment the master shall have allowance of the merchants according to the rates of the goods, by way of average, &c.

Stat. 2. Provided that no coaster or fisherman shall pay the duty oftener than once in one year.

Stat. 8. Ships belonging to Weymouth and Melcomb Regis, and Lyme Regis, shall be exempted from paying to the harbour of *Dover*, so as they bring a certificate upon oath before the mayor, under the common-seal of the said corporations, that the ships belong thereto, and the inhabitants of the said corporations are owners of the major part of such ships.

Stat. 9. All ships *English* built, and manned according to the act of navigation, belonging to Great Yarmouth, shall be exempt from paying the said duties, if the master produces a certificate as above, &c.

Stat. 10. Ships belonging to Ramsgate, in the isle of Thanet, shall be exempted from paying to *Dover* harbour, bringing a certificate as before, &c.

Continued by 2 *Ann. cap.* 7. 4 *Geo. I. cap.* 13. and 9 *Geo. I. c.* 30. to the first of May, 1744. Further continued for twenty-one years by 11 *Geo. II. c.* 7. This act further continued, for twenty-one years, by 31 *Geo. II.*

DOWER of bankrupt's wife, when may be sold. See **BANKRUPTCY**.

DOWER of a widow, is a portion which she hath of the lands or houses of her husband after his decease; and by the common law it is a third part of the lands which the husband died seized of, either in *fee simple*, or *fee tail*, which she is to enjoy during life.

By the custom of Kent, called *gavelkind*, the widow is intitled to the half-part of the husband's estate, either in *fee simple*, or *fee tail*, *quoadiu remanet sola & casta*, so long as she remains single and continent; but if she marries, or is guilty of incontinency, then she forfeits such estate.

Lord Coke says, that all kinds of *dower* were instituted for the wife's subsistence during her life; which right of *dower* is not only a legal, but a moral right, as it was held by Sir John Trevor, master of the rolls, in the case of lady and lord Dudley. 1 *Inst.* 33. b. 2 *Peer Will.* 634. Sir *Jos. Fekyl's Argument and Resolution*.

Secondly, the relation of husband and wife, as it is the nearest, so it is the earliest; and therefore the wife is the proper object of the care and kindness of her husband. The husband is bound, by the law of God and man, to provide for her during his life; and after his death, the moral obligation is not at an end, but he ought to take care of her provision during her own life. This is the more reasonable, as during the coverture, the wife can acquire no property of her own. If before the marriage she had a real estate, this by the coverture ceases to be hers, and the right thereto, whilst she is married, vests in the husband; her personal estate becomes his absolutely, or at least is subject to his controul; so that unless she has a real estate of her own, which is the case but of few, she may, by his death, be destitute of the necessities of life, unless provided for out of his estate by a jointure or dower. As to the husband's personal estate, unless restrained by special custom, which very rarely takes place, he may give it all away from her; so that his real estate, if he had any, is the only plank she can lay hold of to prevent her sinking under her distress. Thus is the wife said to have a moral right to her dower.

The husband, on the contrary, has no right to a tenancy by the courtesy, but from positive institutions or provision of the laws: his right does not arise from the relation of husband and wife, for then every husband would have it, which is not so; nor doth he want it, if it be not his own fault, or at least his misfortune. During the coverture, he is master not only of his own, but of his wife's estate; and by his industry and provident care, may acquire property sufficient, without any part of her estate, to maintain himself after her death: so that the husband's tenancy by the courtesy hath no moral foundation, and is therefore properly stiled tenancy by the courtesy of England, that is, an estate by favour of the law of England.

Dower also is a legal right created by law, which settles the quality of the estate out of which the wife's *dower* arises, and likewise ascertains the *quantum* thereof. The common law says, the third part is *rationabilis pars*; and a special custom, which is *lex loci*, enlarges or abridges the common law of *dower*, and gives the whole, half, or less than a third. 1 *Inst.* 33. b.

The common law likewise ascertains *dower*, with respect to the nature and quality of the husband's estate.

It says, the wife's *dower* must come out of such an estate as would descend to the issue of the husband by that wife; and gives *dower* of the husband's *seisin*, though not actual, or reduced into possession; it annexes privileges to *dower* as not to be liable to distress for the husband's debts to the king, much less for any due to the subject; with several other privileges. Again, the law fixes the age when a woman is dowable; and, by the way, fixes it at such a time, as, by the course of nature (at least in this part of the world) it seems impossible she should have issue, or be pregnant, viz. at nine years old. But it is not so favourable to a tenancy by the courtesy, which it allows only in the case a *seisin* in deed; it annexed no privileges thereto. And though the husband may be tenant by the courtesy of a common fans number, of which the wife is not dowable, yet that is because of its indivisibility; in which case, if *dower* was allowed, it would be injurious to other persons, and the lands be doubly charged. Thus the law, where it can justly do it, prefers the title of *dower* to that of courtesy.

Dower is also an equitable right, and such a one as is a foundation for relief in a court of equity. It arises from a contract made upon a valuable consideration, marriage being in its nature a civil, and in its celebration a sacred contract; and the obligation is a consideration moving from each of the contracting parties to the other; from this obligation arises an equity to the wife in several cases, without any previous agreement, as to make good a defective execution of a power, a defective conveyance, or supply the defect of a surrender of a copyhold estate; in all which the court relieves the wife, and makes a provision for her, where it is not unreasonable, or injurious with respect to others. Indeed in the case of the husband, marriage, as it is a legal consideration, so it is an equitable one; but then it is not carried so far in his favour as in hers, and in the cases before-mentioned, the court would not supply a defective title for the husband, at least it has not been done.

This was a bill brought by a widow, to be endowed of an equity of redemption, though the mortgage was made in fee before the marriage, upon her paying a third of the mortgage money, or keeping down a third of the interest. And his honour the master of the rolls, after citing several authorities, declared, that the plaintiff, being the widow of the person intitled to the equity of redemption, of this mortgage in question (which was a mortgage in fee) hath a right of redemption; and accordingly decreed her the arrears of her *dower* from the death of her husband, she allowing the interest of the third of the mortgage-money, unsatisfied at that time, and her *dower* to be set out if the parties differed.

A woman is not intitled to *dower* where the husband purchases an estate with a trustee; but if the trustee die in the life-time of the husband, the joint-tenancy between the husband and the trustee will survive to the husband, and then the wife will be intitled to *dower*. Cases in Chancery, L. Talbot, 138. *Attorn. Gen. a Scott. Mich.* 9 *Geo. II.* 1 *Vern.* 356.

In the case of lady Bodmyn a *Vandebends*, the defendant for 4400 l. purchased of the lord Bodmyn the reversion after the death of the lord Warwick, of lands near 1000 l. *per annum*, and for protection of the estate, and to prevent the plaintiff's *dower*, the defendant upon his purchase took an assignment of a term for years, which was vested in trustees to secure the payment of certain annuities, and afterwards in trust to attend the inheritance; and likewise took an assignment of an ancient statute that had been kept on foot for the protection of the estate.

The plaintiff had recovered *dower* at law, but was prevented from taking out execution by reason of the term and statute.

To be relieved against which, and to be let into the possession of her thirds, was the end of the plaintiff's bill.

The defendant insisted he was a purchaser, and that he ought to have the benefit of this term for the protection of his purchase. Cases in Parl. 69.

But the plaintiff's bill was dismissed, and upon an appeal to the House of Lords, the decree of dismissal was affirmed.

The

The wife of a bankrupt, of a person *non compos mentis*, or an outlawed or excommunicated person, or of a person committing felony, is not barred of her *dower*.

And in case of the bill for taking away the estates of the South-Sea directors in the year 1720, all the wives of the husbands were intitled to their *dower*, and received satisfaction for the same.

But the wife of a person guilty of high-treason, or of an alien Jew, is not dowable; and if the wife herself commits high-treason, or felony, or if she elope from her husband, and lives with the adulterer willingly, without being reconciled to her husband, she shall lose and forfeit her *dower*; but if the husband be reconciled, and she live with him again, she shall be endowed.

If a wife levies a fine with her husband, and they join in the sale of an estate to a purchaser, she is barred of her *dower*.

By *Stat. 27 Hen. VIII. c. 10. f. 6.* it is enacted, that where persons have purchased, or have estate made of lands and hereditaments, &c. to them and their wives, and to the heirs of the husbands, or to the husband and to the wife, and to the heirs of their two bodies begotten, or to the heirs of one of their bodies to be begotten, or to the husband and to the wife for term of their lives, or for term of life of the wife, for jointure of the wife; every woman having such jointure shall not claim any *dower* of the residue of the lands that were her husband's.

Sec. 7. And then it provides, that if any such woman should be lawfully evicted from her jointure, or any part thereof, such woman shall be endowed of as much of the residue of her husband's tenements, as the lands so evicted shall amount unto.

Sec. 9. Provided also, that if any wife shall have lands, assured after marriage in jointure, except the assurance be made by act of parliament, she may at her liberty after the death of her husband, refuse the land, to her assured in jointure, and demand her *dower* according to the common law.

DOWNS, a road near the coast of Deal, in Kent, through which shipping pass in going out and returning home, and frequently make some stay; here also squadrons of men of war commonly rendezvous.

It is the opinion of some of our most eminent lawyers, that the *Downs* are neither port, place, or creek of this realm, within the act of tonnage and poundage, and that the unshipping there without paying or compounding is no forfeiture; for, indeed, the validity of extending a port into any part of the main sea, and subjecting thereby all persons to the duties and penalties of a port, who shall come within that part of the sea which is made part of the port, must be a very doubtful case.

DRACHM, or **DRAM**, a weight consisting of three scruples, or containing sixty grains, or the eighth part of an ounce.

DRAGOMAN, or **DROGMAN**, a name for an interpreter in the Eastern nations. The consuls of Christian nations residing at the Porte, or in other parts of the Turkish dominions, retain such, as well for their own use, as for that of the merchants of their nation trading there.

DRAGON'S BLOOD. There are several sorts of this commodity in the shops; but we shall take notice of that alone which is esteemed the purest and best, as it is the only one that should be made use of in medicine. This sort is brought to us from the East-Indies, in oval drops, wrapt up in flags, or in large masses, which are evidently composed of smaller tears. The writers on the *Materia Medica* have, in general, given the preference to the first; but we have seen them both of equal goodness.

Fine *dragon's blood* is a pure, clean, resinous substance, breaking smooth, free from any dirt or sand, without smell or taste, of a dark red-colour, which turns into an elegant bright crimson upon being reduced to fine powder. It is not at all acted upon by watery liquors; but totally dissolves in spirit of wine, gives a red colour and hot pungent taste to oils, readily melts on a red-hot iron, catches flame, and yields, as Geoffroy rightly observes, an acid fume, not much unlike that of *benzoin*.

It is a very powerful astringent, inassailable, and dryer: it is given with great success in diarrheas, dysenteries, and hæmorrhages of all kinds; and is much commended ex-

ternally for drying and healing old ulcers. Its dose is from five grains to twenty-five; but it is rarely prescribed singly: it is joined with the common astringents in diarrheas, and for violent hæmorrhages with common alum.

DRAPEY. See **CLOTH** and **WOOLLEN MANUFACTURE**.

DRAPEY-PAINTER. The boy designed for this business, which is the lowest degree of a liberal painter, ought to learn to draw, and to form a just knowledge of the nature of lights and shades; and this may serve as a sufficient preparatory for his being put apprentice; when, if he be bound to a proper master, he will learn, though he has no very extraordinary genius, to obtain a tolerable notion of painting in general, a sufficient knowledge of colours, and the manner of mixing them so as to relieve and set off each other; and to exhibit the folds of a garment in such a manner, as to shew the materials of which it is composed, whether woollen, linen, silk, or velvet.

The *drapery-painter* is employed by the limner; who having finished the face, given the figure its proper attitude, and drawn the out-lines of the dress or drapery, sends the piece to be clothed by the *drapery-painter*; for a portrait-painter, if well employed, has not time to clothe his figures. Though this business does not require a very great genius, yet those who are eminent in their way, and employed by a celebrated limner, may frequently earn a guinea a day; and yet take only from ten to twenty pounds with an apprentice.

DRAUGHT, *in trade*, called also *claff* or *clough*, is a small allowance on weighable goods, made by the king to the importer, or by the seller to the buyer, that the weight may hold out, when the goods are weighed again.

The king allows one pound draught for goods weighing less than one hundred weight; two pounds, for goods weighing between one and two hundred weight; three pounds, for goods weighing between two and three hundred weight; four pounds, from three to ten hundred weight; seven pounds, from ten to eighteen hundred weight; nine pounds, from eighteen to thirty hundred weight, or upwards. See the article **ALLOWANCE** for *draught and tare*.

DRAW-BACK, is a rebate or discount upon the price of commodities purchased on certain conditions; also the repayment of money to an importer of some part, or the whole custom paid for importing goods, on condition of his exporting them again.

Draw-backs on foreign goods.—The time for repayment thereof extended to three years, after the 24th of June, 1721. 7 *Geo. I. c. 21. f. 10.*

All foreign goods and merchandize (except wines, currants, and wrought-silks) first imported, shall be again exported by any merchant *British* within twelve months, or stranger within nine months; and such merchant or merchants as shall export any such foreign goods or merchandizes (except before excepted) shall have allowance, and be repaid by the officer which received the same, the one moiety of the subsidy which was paid at the first importation of such foreign goods and merchandizes, or any part thereof, so as due proof of the first made by certificate from the officers, of the due entry and payment of the custom and subsidy of all such foreign goods and merchandizes inwards, together with the oath of the merchants importing and exporting the same, affirming the truth thereof, and the name of his majesty's searcher or under-searcher in the port of London, and of the searcher of any other the out-ports, testifying the shipping thereof to be exported. After all which duly performed, the moiety of the subsidy first paid inwards shall, without any delay or reward, be repaid unto such merchant or merchants, who do export such goods and merchandizes, within one month after demand thereof; as also the whole additional duty of silks, linen and tobacco.

Every merchant, as well *British* as stranger, that shall ship and export any kind of wines, which formerly have paid all the duties of tonnage inwards, shall have repaid, or allowed unto them, all the duties of tonnage paid inwards; except to the *British* man twenty shillings the ton, and except to the stranger five and twenty shillings the ton, upon due proof of the due entry and payment of the tonnage inwards, and of the shipping thereof to be exported.

Every merchant, as well *British* as stranger, who shall ship and export any currants, which formerly were duly entered, and paid the subsidy and custom inwards, shall have allowed, or repaid unto them respectively, all the custom and subsidy paid inwards for the same (except one shilling and six-pence for every hundred weight to the *British*, and one shilling and ten-pence half-penny for every hundred weight to the stranger) upon due proof of the due entry and payment of the custom and subsidy thereof, inwards, and of the shipping thereof to be exported.

Allowances and abatements upon, or out of any duties now in force, to continue till those duties cease. 3 *Geo. I. c. 7. f. 40.*

The oaths of the merchants importing, and exporting, required to obtain the *draw-back*, of foreign goods, affirming the truth of the officer's certificate of the entry and due payment of the duties, may be made by the agent or husband of any corporation or company, or by the known servant of any merchant, usually employed in making his entries, and paying his customs. 2 and 3 *Ann. cap. 9. sect. 14.*

Not to be allowed for any foreign goods exported to the Isle of Man. 12 *Geo. I. c. 28. f. 21.*

Foreign goods, entered outwards.—If less in quantity or value than is expressed in the exporter's certificate be fraudulently shipped out, the goods therein mentioned, or their value, are forfeited, and no *draw-back* to be allowed for the same. 13 and 14 *Car. II. c. 11. f. 12.*

Foreign goods entered outwards by certificate, in order to obtain the *draw-back*, not shipped and exported, or re-landed in Great-Britain, (unless in case of distress to save them from perishing, which must be forthwith signified to the officers of the customs) are to lose the benefit of the *draw-back*, and are forfeited, or their value, with the vessel and boats, horses, carriages, &c. employed in the re-landing thereof: and the persons concerned in the unshipping or re-landing, or to whose hands the goods shall knowingly come, or by whose privacy, knowledge, or direction, they are re-landed, are to forfeit double the amount of the *draw-back*, to be sued for within five years after commission of the offence. 13 and 14 *Car. II. c. 11. f. 12. 8 Ann. c. 13. f. 16.*

The seizure of the horses, or other carriages, and the vessels or boats, if of the burden of fifteen tons or under, may be adjusted by two or more justices of the peace, in the same manner as brandy, &c. 6 *Geo. I. c. 21. 8 Geo. I. c. 18. f. 16. 17. 27 Geo. II. c. 18. f. 5.*

Officers of the customs conniving at, or assisting in any fraud relating to certificate goods, besides other penalties, are to forfeit their office, be rendered incapable, and to suffer six months imprisonment, without bail or mainprize. 8 *Ann. c. 13. f. 17.*

Bonds given for the exportation of certificate goods to Ireland, must not be delivered up, nor *draw-back* allowed for any goods, till a certificate under the hands and seals of the collector, comptroller, and surveyor of the customs, or any two of them, of some port in Ireland, be produced, testifying the landing; the condition of the bonds being to produce such certificate in six months from the date thereof. Such certificates not produced in time, the commissioners of the customs may put the bonds in suit. 8 *Ann. c. 13. f. 18. 5 Geo. I. c. 11. f. 5. 27 Geo. II. c. 18. f. 4.*

Frauds committed in the exportation of tobacco, or any other goods, discovered to any officer of the customs, by any person (except the exporter) such person to have one half of the officer's or prosecutor's share of what shall be recovered; the charge of prosecution being first deducted: the commissioners of the customs to cause such charges to be equally paid by the crown and the prosecutor. Persons aiding the exporter in such frauds, discovering their offence, shall be acquitted.

DRAW-BACK, or re-payment of the duty of excise on British made candles.

		Drawb.
<i>Candles made of wax</i>	the lb. wt. avoird. 0 0 4	} 0 0 8
	the lb. wt. avoird. 0 0 4	
<i>Cand. made of tallow, and other candles,</i>	the lb. wt. avoird. 0 0 0 $\frac{1}{2}$	} 0 0 1
	the lb. wt. avoird. 0 0 0 $\frac{1}{2}$	

To be repaid to the exporter by the collector of the excise, on proof made before him, upon oath, of the payment of the duties; and the collector giving a certificate thereof to the exporter, expressing kinds and quantities, and payment of duties; which certificate being produced to the collector of the customs at the port of exportation, and the exporter giving sufficient security, before shipping, that the candles shall not be re-landed in Great-Britain, and likewise making oath, that they are the same mentioned in the certificate, the collector of the customs is to give to the exporter a debenture, expressing the true kinds and quantities exported.

If re-landed (over and above the penalty of the bond) the candles are forfeited, or their value.

DRAW-BACK on hides, or calve skins, &c. See CALVE-SKINS.

DRAW-BACK, or repayment of the duty of excise on British-made soap exported.

	Drawb.
<i>Soap, for every lb. wt. avoirdupoise</i> 0 0 1	} 0 0 1 $\frac{1}{2}$
<i>Soap, for every lb. wt. avoirdupoise</i> 0 0 0 $\frac{1}{2}$	

To be repaid to the exporter by the collector of excise, for such soap as is exported to foreign parts by way of merchandize, on a debenture to be made forth by the collector of the customs, at the port of exportation, and testified by the searcher; the exporter having first made proof of the payment of the duties before the collector, who received the same, and also having given sufficient security, that the soap shall not be re-landed in Great-Britain.

If re-landed (over and above the penalty of the bond) the soap, or the value, forfeited.

DRAW-BACK, or repayment of the excise duty on British-made paper exported.

	Drawb.
<i>Brown</i>	large cap, the ream { 0 0 6 } 0 0 9
	small, the ream { 0 0 3 } 0 0 6
<i>Crown</i>	fine, the ream { 0 1 0 } 0 1 6
	second, the ream { 0 0 9 } 0 1 1 $\frac{1}{2}$
<i>Demy</i>	fine, the ream { 0 1 6 } 0 2 3
	second, the ream { 0 0 9 } 0 1 6
<i>Fools-cap</i>	fine, the ream { 0 1 0 } 0 1 6
	second, the ream { 0 0 9 } 0 1 1 $\frac{1}{2}$
<i>Pot</i>	fine, the ream { 0 1 0 } 0 1 6
	second, the ream { 0 0 6 } 0 0 9
<i>Whited brown, the bundle, containing forty quires</i>	{ 0 0 6 } 0 0 9
<i>All other paper, for every 100 l. value, to be sold at the next market-town, upon oath of the maker</i>	{ 12 0 0 } 18 0 0
<i>Mill-boards, paste-boards, and scale-boards, the 112 pounds</i>	{ 0 3 0 } 0 4 6
<i>Paper, painted or stained, in Great-Britain, for hangings, &c. (besides the aforesaid duties) for every yard square</i>	{ 0 0 1 } 0 0 1 $\frac{1}{2}$

To be repaid under the same regulations, and penalties for re-landing, as the *draw-back* on British-made soap.

DRAW-BACK, or repayment of the duty of excise, on silks and silk-handkerchiefs, printed, stained, or painted; on calicoes, and all linens and stuffs, printed, stained, painted, or dyed, in Great-Britain, exported.

	Drawb.
<i>All silks, printed, stained, or painted (except silk-handkerchiefs) for every yard in length, reckoning half a yard in breadth</i>	{ 0 0 6 } 0 1 0

Drawb.

All sorts of silk handkerchiefs, printed, stained, or painted, for every yard square, and in those proportions for wider or narrower silk } 0 0 3 } 0 0 6
 } 0 0 1 } 0 0 6

All calicoes, printed, stained, painted, or died, for every yard in length, reckoning one yard wide, and after that proportion } 0 0 3 } 0 0 6
 } 0 0 3 } 0 0 6

All linen and stuffs, printed, stained, painted, or dyed, for every yard in length, reckoning one yard wide, and after that rate for a greater or lesser quantity } 0 0 1½ } 0 0 3
 } 0 0 1½ } 0 0 3

Not to extend to linens, calicoes, or fustians, dyed throughout of one colour, nor to stuffs made of woollen, or whereof the greatest part is woollen.

Note, All calicoes printed, &c. as above, which shall be within one-eighth of a yard of a yard-broad, or not exceeding one-eighth part of a yard of a yard-broad, shall pay as yard-broad, and no more nor less.

To be repaid to the exporter by the collector of excise, on a debenture, expressing true kinds and quantities, to be made forth by the collector of the customs at the port of exportation; the exporter having first made proof of the payment of the duties before the said collector of the customs, and also having given sufficient security, that the goods shall not be re-landed in Great-Britain.

Before shipping the exporter is to give, to the proper officer of the customs, notice, when and where he will pack the goods; and such officer is to see the seals or stamps taken off from every piece to be exported, and to make returns of the kinds and quantities thereof to the officer appointed to receive the same.

If re-landed (over and above the penalty of the bond) forfeited, or the value.

DRAW-BACK, or repayment of the duty of excise on British-made starch exported.

Drawb.

Starch, for every lb. wt. thereof avoird. 0 0 1 } 0 0 2
Starch, for every lb. wt. thereof avoird. 0 0 1 } 0 0 2

To be repaid to the exporter thereof (by the collector of the duties) for such starch, exported to foreign parts by way of merchandize, on a debenture, to be made forth by the collector of the customs at the port of exportation, expressing the true kinds and quantities, and the exportation thereof testified by the searcher; the exporter having first made proof of the payment of the duties (on oath) before the said collector, and also having given sufficient security, that the starch shall be re-landed in Great-Britain.

If re-landed (over and above the penalty of the bond) forfeited, or the value.

DRAW-BACK, bounty, or allowance on gold and silver thread, lace, or fringe, made in Great-Britain, exported.

Drawb.

Silver thread, lace, or fringe, made of plate-wire, and spun on silk, every lb. wt. avoirdupoise 0 5 0
Gold lace, thread, or fringe, made of plate-wire, and spun on silk, every lb. wt. avoirdupoise 0 6 8

To be paid to the exporter by the collector of the duties on gilt and silver wire, on a debenture, expressing the kinds and quantities, to be made forth by the collector of the customs at the port of exportation, and the shipping thereof testified by the searcher; the exporter first making proof upon oath, before the collector of the customs, that the said thread, lace, or fringe, was actually made after the 1st of July, 1712, and also giving sufficient security, that they shall not be re-landed in Great-Britain.

DRAW-BACK on boots, shoes, gloves, and other manufactures of British-tanned leather, exported.

Drawb.

All tanned leather, which shall be manufactured, and actually made into goods or wares, for every pound weight thereof 0 0 1½

This *draw-back* commenced from the 2d of August, 1714, and is in lieu of the *draw-back* of two-thirds of the excise duties granted by 9 *Ann. c. 11.* and 10 *Ann. c. 26.* and is to be paid by the collector of those duties, to the exporter thereof, out of those duties respectively, on a debenture, to be made forth by the collector of the customs of the port of exportation, security being first given by the exporter, that the goods shall not be re-landed in Great-Britain.

Re-landed, forfeited, and treble the value.

DRAW-BACK, or repayment of excise on British-wrought plate, exported.

Drawb.

Wrought-plate, or manufactures of silver, made in Great-Britain, the ounce troy 0 0 6

To be repaid by the exporter, for such plate as is exported to foreign parts by way of merchandize, by the collector of the duty, on a debenture, to be made forth by the collector of the customs at the port of exportation, expressing kinds and quantities, and the shipping thereof certified by the searcher; the exporter first making proof on oath, before the said collector, that the plate was actually made or marked after the 1st of June, 1720, and likewise giving sufficient security, that it shall not be re-landed in Great-Britain.

If the collector of the duties hath not money sufficient in his hands, he is to certify the same to the commissioners.

But no *draw-back* to be paid on the exportation of plate, if the same shall have been made seven years or more before the day of entering it for exportation.

For other regulations, see **SILVER.**

DRAW-BACK, or repayment of the excise on glass made in Great-Britain, exported.

Drawb.

Crown, plate, flint, or white glass, for every C. wt. 0 9 4
Green glass, for every C. wt. 0 2 4

The collector who received the duty upon glass, upon oath made before him that the duty has been paid, is to give the person (gratis) a certificate, expressing the kinds and weight of the glass, and the duty paid for it; which being produced to the customer or collector of the port of exportation, and the exporter making oath before him, that the glass to be exported is the same mentioned therein, and likewise giving sufficient security for such exportation, and that it shall not be re-landed in any part of Great-Britain, the collector is to grant a debenture, expressing the true weight; which debenture being produced to the collector of the said duties at the place of exportation, he is forthwith to pay the above allowance; but if he has not money sufficient in his hands, the respective commissioners of excise in Great-Britain are to pay it out of the duties upon glass arising by this act.

Re-landed, is forfeited, or the value, besides the penalty of the bond.

DRAW-BACK of the excise or inland duties on British salt exported.

Of England, Wales, or Berwick upon Tweed.

By 5 and 6 of *Will. and Mar. c. 7.* were granted, from the 25th of March, 1694, to the 17th of May, 1697, the following duties.

Duty.

Rock-salt, taken out of any pits in England, Wales, or Berwick, the bushel containing sixty-five lb. wt. }
Salt made at any salt-works in England, Wales, or Berwick, or refined from rock-salt, the bushel containing fifty-six lb. wt. } 0 1 0
 And by 9 and 10 *Will. III. c. 44.* was granted

from 24 December, 1699,
 A further duty on every such respective bushel of salt above-mentioned } 0 2 4

Total duty 0 3 4

Which

D R A

Which duties have been since revived and continued for ever.

The above duties to be paid by the maker thereof, for rock-salt, within twelve months, and for all other salt, within nine months, after two entries made of the respective times of making such salt, or taking it out of the pits, on sufficient security given; but if he chuses to pay ready-money, he shall have a discount thereon, after the rate of ten *per cent. per annum*; and if paid within twenty-eight days after security given, to be allowed a discount, after the rate of ten *per cent. per annum*, for the remaining time.

On exportation, the officer of the place where such salt was made or taken out of the pits, shall deliver to the exporter a certificate, under his hand and seal, that the duties have been paid or secured; on producing this certificate to the officer of the customs where the said salt is to be shipped off, he is to grant a debenture, the exporter making oath of the shipping of the salt, and of its not being re-landed in England or Wales; which debenture being produced to the officer of the place where the duties have been paid or secured;

Then these duties are to be wholly repaid, or the security vacated.

Shipped for Ireland, no debenture to be granted, till there is produced a certificate of the quantity landed, under the hand of the collector of the customs of such port in Ireland where the said salt is landed.

For further regulations thereon, *see SALT.*

Salt of Scotland.

By the act of union, 5 *Ann. c. 8. art. 8.* salt made in Scotland is exempted from payment of the inland duty of two shillings and four-pence *per bushel*, imposed by 9 and 10 *Will. III. c. 44.*

Therefore the inland duty payable in Scotland, for the like sorts of *salts*, is the respective bushel 0 1 0

To be managed with the same allowance, encouragement, and *draw back* proportionable, and under the same restrictions and regulations, as for England.

DRAW-BACK or bounty on fish and flesh exported.

Flesh exported, cured with (any salt in England, but in Scotland only with foreign) salt which has paid duty, is to be allowed, *viz.*

Beef or pork, the barrel 0 5 0

To be paid by the collector of the duties upon salt, in the port of exportation, within thirty days after demand, on a debenture to be prepared by the collector of the customs at that port, verified by the searcher, as to the quantity actually shipped, and that the same is good and merchantable; and the oath of the exporter, or agent, being first taken before the principal officers of the port, before the debenture is allowed (if exported from England, Wales, or the town of Berwick upon Tweed) "that the beef or pork, mentioned in the debenture, was salted with salt, for which the duties have been paid, and not drawn back, and that the same is really exported to parts beyond the seas for sale, and that any part thereof was not spent, or intended to be spent for the ship's use, nor re-landed, or intended to be re-landed;" if exported from Scotland, "that the flesh, mentioned in the debenture, is really exported to parts beyond the seas for sale, and not intended to be re-landed in Great-Britain, and was duly cured only with foreign salt, without any mixture of British or Irish salt, and that the duties for such imported salt have been duly paid or secured."

Re-landed, is forfeited, and forty shillings for every barrel, to be recovered of the importer or proprietor.

Fish, exported from any part of Great-Britain to foreign parts, are intitled to the following allowances, *viz.*

<i>Pilchards, or scads</i> , the cask, containing fifty gallons	0 7 0
<i>Codfish</i> , { If fourteen inches or upwards in length,	
<i>ling, or</i> { from the bone in the fin to the third	
<i>bake</i> { joint in the tail, the hundred	0 5 0
Wet, the barrel, containing 32 gallons	0 2 0
Dried, called <i>haberdines</i> , the C. wt.	0 3 0
<i>Salmon</i> , the barrel, containing 42 gallons	0 4 6

D R O

<i>White herrings</i> , the barrel, containing 32 gallons	0 2 8
<i>Full red-herrings</i> , the barrel, containing 32 gallons	0 1 9
<i>Clean-shotten red-herrings</i> , the barrel, containing 32 gallons	0 1 0
<i>Dried red sprats</i> , the last	0 1 0

Note, By 29 Geo. II. c. 33. s. 5. these bounties were extended to fish cured in Scotland with British or foreign salt, which by the act of union were limited to fish cured (in Scotland) with foreign salt only.

To be paid by the collector of the duties upon salt, in the port of exportation, within thirty days after demand, on a debenture to be prepared by the collector of the customs in the port of exportation, and verified by the searcher, as to the quantity actually shipped; and the oath of the exporter, or agent, being first taken before the principal officers of the port, before the debenture is allowed, "that the fish mentioned in the debenture were British, taken and really exported to, or for parts beyond the seas, and not re-landed, or intended to be re-landed in Great-Britain."

If the said collector (in England) has not sufficient money in his hands to pay the said debentures on flesh or fish exported, he is to give, without delay, a certificate thereof to the commissioners for the excise upon salt in England, who shall be chargeable with the payment, to be paid in course out of the first money arising out of the duties upon salt; and if in Scotland, to the commissioners of the customs or excise in Scotland, at the option of the merchant, who are to cause it to be paid in course out of the duties upon salt in Scotland, or out of the revenues of customs or excise there.

The herring-barrel is to contain thirty-two gallons, and the salmon-barrel forty-two gallons; and herrings or salmon exported in barrels of any other size (except half-barrels) are not intitled to the bounty.

No allowance to be paid on flesh or fish not well cured or unmerchantable.

Such fish fraudulently re-landed in Great-Britain, or re-imported, is forfeited, and double the value, to be recovered of the importer or proprietor.

No fee to be taken for a debenture, or certificate, or for payment of the money.

Any officer refusing or neglecting to pay the money, or give a certificate as above, forfeits double the sum to the party grieved.

Herring, salmon, cod, ling, tusk, or other white fish, brought coast-wise from Scotland into England, for re-exportation after the 25th of June, 1756, are upon exportation intitled to the bounties above-mentioned, subject to the same regulations, in order to prevent the re-landing, or re-importing thereof, and the owners are subject to the same penalties for re-landing, or other fraudulent proceedings, in order to obtain the bounty, as in case of fish cured in, and exported from England. This allowance is not to be paid in England, but the chief officer of the customs, or his deputy, at the port of exportation, upon request of the exporter, and oath made before the principal officers of the port, "of the shipping of the fish, and its not being re-landed, or intended to be re-landed in Great-Britain," is to give a debenture under this hand, without fee, for payment of the allowance, which being produced to the commissioners of the customs or excise in Scotland (at the option of the exporter or his assigns) they are to pay the bounties out of any money in their hands, arising by any branch of the customs or excise, regard being had to the priority of the dates of the debentures.

DRAW-BACK of excise, on strong-beer, strong-ale, mum, cyder, and perry, made in Great-Britain, exported. 1 *Will. and Mar. c. 22, &c.* On spirits drawn from corn in Great-Britain, without mixture of any other materials, exported. 6 *Geo. II. c. 17.* On spirits exported. 16 *Geo. II. c. 8.* Not only the payment of these three *draw-backs*, but the forms and regulations of shipping, being by law required to be performed by the officers of excise, it is unnecessary to describe them particularly here. *See ALLOWANCE, BOUNTY, GOODS OUTWARDS, PREMIUM.*

DROVERS are those who buy cattle in one place to sell in another; they are to be married men and householders, and be licensed, by *stat. 5. Eliz. c. 12.* and if they drive their cattle on the Lord's day, they shall forfeit twenty shillings,

shillings, by 1 *Car. I. c. 1. Drovers* not to be deemed bankrupts, 5 *Geo. II. c. 30. f. 40. See CATTLE.*

DRUGGET, a kind of stuff, very thin and narrow, usually of wool, but sometimes half wool and half silk, and wove on a worsted chain. The most generally known and esteemed are the English and Dutch, which are a cheap common woollen cloth.

DRUGS, rated, or unrated, to what duties liable on importation. 2 *Will. and Mar. sess. 2. c. 4. f. 12. 3 and 4 Ann. c. 4. f. 8.*

Drugs for dying excepted. 3 *Ann. c. 4. f. 8. 8 Geo. I. c. 15. f. 10.*

Drugs imported in English shipping were to pay the full value mentioned in the book of rates, and those otherwise imported, treble the value. 8 and 9 *Will. III. c. 34. Made perpetual. 7 Ann. c. 7. f. 26.*

What time allowed for exportation. 2 and 3 *Ann. c. 9. f. 13. 7 Geo. I. stat. 1. c. 21. f. 10.*

American *drugs* may be imported from any of the British plantations. 7 *Ann. c. 8. f. 12.*

The value of *drugs* how to be ascertained in order to fix the duty. 10 *Ann. c. 2. f. 33. 11 Geo. I. c. 7. f. 1, 2, 3.*

The duties how to be managed. 10 *Ann. c. 26. f. 77.*

In what cases to be repaid on exportation. 10 *Ann. c. 26. f. 41.*

Senna, charged as a medicinal *drug. 1 Geo. I. c. 43. f. 3. Drugs, &c. how to be searched and examined. 10 Geo. I. c. 20.*

Duty on *drugs* repealed. 11 *Geo. I. c. 7. f. 9.*
Borax and camphire refined in Great-Britain, intituled to a draw-back. 17 *Geo. II. c. 31. f. 3.*

Gum Senega may be imported from any part of Europe. 25 *Geo. II. c. 32.* Since the cession of Senegal to us by the definitive treaty of peace of 1763, the trade of this valuable gum is now intirely in our own hands. *See* an alphabetical account of the *taxes* of *drugs*, as allowed at the custom-house of London, under the article **ALLOWANCE**. All sorts of *drugs* are described in their alphabetical order throughout the course of this work. For further particulars consult *Saxby's Book of Rates.*

DRUGGIST. The *druggists* buy up all manner of uncompounded drugs, both foreign and domestic, which they sell again to the apothecaries; and most of them also compound drugs for sale in their own shops like the apothecaries. The *druggist* is, however, by his trade only supposed to know so much of the nature of drugs as is necessary to make him distinguish the good from the bad of every species, and to know the true and genuine from the counterfeit. He only buys them as a merchant, and disposes of them as commodities, of which by his business he is not supposed to know the intrinsic virtues. The *druggist*, in this light, requires neither great abilities nor learning; but if he attempts to compound them, and to sell medicines ready prepared, he should have a liberal education, that he may know what he is doing; and that his want of skill may injure none but himself. The business of the *druggist* is, without his interfering with that of the apothecary, very profitable; but it requires upwards of five hundred pounds to set up a master, and some of them employ two thousand pounds in trade. They take from twenty to a hundred pounds with an apprentice; but few journeymen are wanted; and those who are employed receive fifteen or twenty pounds a year. The *druggists*, as well as the apothecaries, are under the inspection of the college of physicians.

DRY-SALTER. The *dry-salters* deal mostly in colours for the use of the dyers. They are very few in number; but are great wholesale dealers. They take with an apprentice from fifty to three hundred pounds, and it will require at least a thousand pounds to set up the young man, when he is out of his time.

DUBLIN. The county of *Dublin* produces corn and grafs in plenty, and consequently cannot be destitute of cattle, though it is of wood, so that the fuel is only peat dug here, and coal brought from Wales and other parts of Great-Britain. The city of *Dublin* is the capital of Ireland, and esteemed the best built of any one in the three kingdoms, next to London; it carries on a great trade, has large manufactures, and is computed to have two thousand vessels, and upwards, appertaining to it.

DUCAT, a piece of coin, current in Hungary and Poland, for four shillings and eight-pence; at Rome, five

shillings and six-pence; at Venice, four shillings and four-pence.

DUCATOON, a silver coin, struck chiefly in Italy; though there are also Dutch and Flemish *ducatoons*. Their value is about four shillings and eight-pence sterling.

DUCKS, the name of a very substantial brown cloth fabricated in sundry places, chiefly for the use of shipping, being highly esteemed by the sail-makers: that of Prussia is esteemed preferable to all others, and is mostly used in England.

DUMBARTON, or **DUMBRITON**, in *Scotland*. The low-lands of this county yield corn, and the up-lands pasturage, besides which nothing is found here to promote trade.

DUMFRIES, with the *Stewartry* of *Annapdale*. The soil of this county is more suited for the grazier than the farmer, and a tolerable trade is carried on by the natives in cows and sheep. Near *Wachopdale* the people make salt of sea-sand, which is a little bitterish, supposed to proceed from the nitre with which it is impregnated.

Dumfries is a considerable trading town, well filled with merchants, as its port is with shipping, though the woollen manufacture that flourished here is now decayed.

DUNG, a small Persian weight, one-sixth of a mescal, and of which about three thousand six hundred go to the small batman of Persia, called the batman of Tauris, and near seven thousand two hundred to the great, or king's batman. Besides the *dung*, here is the grain of barley, reckoned one-fourth of it, so that the batman of Tauris consists of near fourteen thousand four hundred grains of that corn, and the king's batman as many again. *Dung* is also a silver coin, made and current in Persia, weighing twelve grains. *See* **BATMAN**.

DUNGARES, a species of calico fabricated at Surate, length fourteen ells, breadth three-fourths.

DUNKIRK, is a port town of the French Netherlands, situate on the English Channel, at the mouth of the river Coln. It was taken from the Spaniards, by the united forces of England and France, was put into the hands of the English in 1658, but was sold to France in the reign of king Charles II. whereupon the fortifications were much improved, and the works that run out into the sea, cost France more money than any fortrefs of that kingdom. It was a station for French privateers in the wars that followed, who grew rich with the spoils of the English. Whereupon Britain insisted on the harbour and fortifications being demolished, at the treaty of Utrecht in 1713, which was done accordingly; as also, pursuant to the definitive treaty of peace of 1763. It is, besides, noted for its cod and herring fishery; in time of peace for its smuggling trade to England, of tea, wine, and brandy; and for being an asylum for a vast number of fugitives from England.

DURHAM, produces great quantities of coals, shipped at *Sunderland*, some lead, iron, allum, and grind-stones; at *Darlington* it has a fabric of various stuffs, and sends yearly to London about ten thousand firkins of butter.

DUTCH. It is commerce, and the immense riches which the *Dutch* have acquired by it, that laid the first and most solid foundation of that power, which has placed them in a condition to give such great succours, as they have from time to time to their allies; and it is only to the resources, which they have found in their trade, that they owe that degree of strength and credit, in which, at present, their republic appears; a credit so great and so well established, as has already, for a long time, rendered it equal to kings, and in some sort the arbitrator of their differences.

The inhabitants of the Low Countries have always been distinguished by their trade; but the riches thereof has also always rendered them fierce and impatient of any sort of yoke, even the most easy and moderate.

These provinces, already so well known, by their continual insurrections against their best princes, having passed, in the fifteenth century, under the dominion of the Spaniards, they presently found, in the severity natural to that nation, motives to excite their factious genius, and, under a pretended violation of their privileges, by their new masters, they united to support them, and combated so fortunately for liberty, that with the aid of the powerful protectors, who declared for them, (and particularly France) seven

seven among them in the end formed this republic, which, in less than half an age, has carried its arms and commerce into all parts of the earth, and has made establishments so solid, that there are no powers who appear capable ever to shake them; nor is there any likelihood that its fall will come, but from itself; and that it cannot sink but under its own weight, and only by means of the too great extent of trade, which it may not be longer in a condition to support.

The Spaniards, to stop the progress of this new-born republic, believed that the hindering their trade would suffice, and to prohibit that which its merchants had always continued, (notwithstanding the war) in all the ports of the Spanish dominions.

The project was effectual, and the Dutch, deprived of this resource, would have found themselves reduced to the last extremity, if the most daring of their merchants had not taken the resolution to go to the East-Indies, to partake, if it was possible, with the Portuguese, (then united with the Spaniards) the immense riches which the Oriental trade produced.

This enterprize, which appeared far beyond the power of these people, and which seemed to sap the foundation of their liberty, was, however, after some unsuccessful voyages, in the end fortunate; and they fitted out twenty fleets, in less than ten years, which returned laden with spices and other merchandizes of the Indies, as well as with the spoils and booty of the Spaniards and Portuguese.

And, to prevent the confusion and disorder that so many different companies which were daily forming, and that had nothing in common but the object of their trade, might bring to it, it was then determined, by uniting them all together, to form that famous Dutch East-India company, which seems incessantly to gain new strength, and which, after above an age's continuance, has not suffered any misfortune or diminution of its power and glory.

This great establishment was made in the year 1602, and it is this that has served as a model to so many other celebrated companies, which have since carried on a trade from Holland to all other parts of the world, and particularly to the ports of the Levant, Africa, the West-Indies, and, in a word, to every place, where business could be transacted: these able merchants did not neglect any, and they found in the less important, as well as in the more considerable, profits and resources, which ordinarily escaped the notice of other nations.

It is this commerce, which may be termed universal, that re-assembles in Holland this infinite number of merchandizes, which it afterwards diffuses in all the rest of Europe.

It produces hardly any thing, and yet has wherewith to furnish other people all that they can have need of: it is without forests, and almost without wood, and there is not seen any where else so many carpenters, who work in naval constructions, either for war or merchandize. Its lands are not fit for the culture of vines, and it is the staple or mart of wines, which are gathered in all parts of the world, and of brandies drawn from them. It has no mines nor metals, and yet there is found almost as much gold and silver as in New Spain or Peru, as much iron as in France, as much tin as in England, and as much copper as in Sweden. The wheat and other grains that are there sowed hardly suffice for nourishment to a part of its inhabitants, and it is, notwithstanding, from hence that the greatest part of its neighbours receive them, either for their subsistence or trade; in fine, it seems as if the species grew there; that the oils were gathered there; that it nourished the precious insects which spin the silk, and that all sorts of drugs for medicine or dyeing were in the number of its products, and of its growth; its warehouses are so full, and its merchants seem to carry so much to strangers, or that strangers come to load in its ports, that there is not a day, and, it may be said, a moment, that ships do not come in or go out, and frequently intire fleets. See AMSTERDAM and HOLLAND.

DUTIES, in regard to trade, are those imposts, or taxes, which are laid on merchandizes at importation or exportation, which are commonly called the *duties* of customs: the taxes of excise, also, are frequently distinguished by the *duties* of excise. See CUSTOMS.

The several branches of these *duties*, the total net *duties* to be paid inwards, by British and strangers, or to be repaid or drawn back upon exportations, the directions for, and examples of the computation of them; together with the *duties* outwards, coastwise, of excise and customs, and in the British plantations, may be seen in regular order by consulting *Saxby's Book of Rates*.

DWINA, a principality in the empire of Russia, having the White-Sea on the north, and the principality of Rubninski on the south.

The river *Dwina*, or, as it is in some places called, the *Suchana*, rises in the province of Jerslaw, runs west for about forty miles, and then turns north for at least forty more. During this last course it passes within thirty miles of the lake Bielejezero, which empties itself into the great river Wolga. Here it was that a navigation was said to be designed by the late czar, Peter the Great, to begin from the *Dwina*, and to be carried into that lake, and so into the Wolga, by a canal of only thirty miles in length.

From this part the river turns away east, and, being increased with several small rivers, forms a sufficient stream so as to bear boats tolerably large, but especially floats of timber, with which they supply the carriage to Wologda, the first city of note upon the river *Dwina*, and which is there sixty miles navigable.

From this city of Wologda to Jerslaw, on the Wolga, is about seventy miles by land. Here the goods which formerly came from England to Archangel, and were to go to Astracan on the Caspian-Sea, and so to Persia, used to be landed; and, being carried upon camels to Jerslaw, were then embarked on board their great ballatoons upon the Wolga, and went down that river above two thousand miles to Astracan.

Wologda is a large, ill-built, but populous city, upon the *Dwina*, about a hundred and twenty miles from its head: it was always a town of great trade before the building of Peterburgh, because of the navigation to and from Archangel, which conveyed merchants goods by two such great rivers.

From Wologda the *Dwina* goes on to Tosopiloez and Cheleleb sixty miles; thence to Strelitzza, where the Strelitzguards were first raised; thence passing through several populous towns, it runs on to Osterough, in latitude sixty; then, turning its mighty channel to the north-west, it runs, by innumerable, populous, and some fortified places, to Archangel.

Though it must be a long way about, yet it is to be observed that the Russian and Muscovite merchants and travellers, who undertake the passage from Moscow to China by land, come all this way, viz. to Jerslaw by the Wolga, in boats; and then, hiring horses to carry their baggage to Wologda, they there take boat again, and go near four hundred miles north-east down the river *Dwina*; then they land, and buy horses and camels, and so go away east about six hundred miles more, to Tobolsky, upon the river Tobol.

DYEING, the art of tinging cloth, stuffs, or other matter, with a strong and durable colour.

Penalty of dyeing cloth with orchel, or cork, called jarcok. 1 *Rich. III. c. 8. f. 15.*

Farther directions for dyeing cloth. 3 and 4 *Edw. VI. c. 2. f. 4.*

Searchers in every borough to inspect dyeing. 5 and 6 *Edw. VI. c. 6. f. 37.*

Provisions for abolishing deceitful materials, and other frauds in dyeing. 23 *Eliz. c. 9. f. 13.* 1 *Geo. I. c. 24.*

Penalty on using logwood. 23 *Eliz. c. 9. f. 2.*

Every dyer to fix a seal of lead to his cloth. 23 *Eliz. c. 9. f. 5.*

Dyeing-wood of the growth of the English plantations not to be transported but to English plantations. 12 *Car. II. c. 18. f. 18.*

To be put on shore in England, &c. before it is carried from thence. 15 *Car. II. c. 7. f. 9.*

Logwood may be imported and used in dyeing. 13 and 14 *Car. II. c. 21. f. 26, 27.*

Dyeing-wood, to what duties liable on importation. 4 *Will. and Mar. c. 5. f. 2.* 3 and 4 *Ann. c. 4. f. 8.*

And what to pay on exportation. 8 *Geo. I. cap. 15. sect. 11.*

D Y E

And within what time to be exported. 2 and 3 *Ann. c. 9. f. 13.* 7 *Geo. I. stat. 1. c. 21. f. 10.*
Dyeing goods in general where exempt from duties on importation. 8 *Geo. I. c. 15. f. 10.*

Penalty of deceitful black dyeing. 13 *Geo. I. c. 24.*

Penalty of using logwood in dyeing blue. 13 *Geo. I. c. 24. f. 3.*

Masters, &c. of dyers company in London to appoint searchers. 13 *Geo. I. c. 24. f. 4.*

DYER. The dyers are divided into the *woollen-dyers* and the *silk-dyers*; the former are also subdivided into several branches; among which, the *scarlet-dyers* business is the most ingenious and profitable. The business of all the dyers in the woollen way is in general laborious and

D Y E

dirty; they are obliged to lift great weights, and to be constantly dabbling in hot dyes and cold water; but the *silk-dyers* are not so much exposed to the weather, nor to the inconvenience of dabbling in cold water as the other. The youth who is to be put apprentice to this last business, may therefore be of a less hardy constitution. None of the branches require any very extraordinary abilities, nor any thing more than a common education, as reading, writing, and accounts.

Most of the branches take from ten to twenty pounds with an apprentice; who, when out of his time, may earn half a crown or three shillings a day; and it will require from one hundred to five hundred pounds to set up a master.

E.

E A S

E The second vowel, and fifth letter of the alphabet, was among the Romans a numeral standing for two hundred and fifty.

EARTH. Our knowledge of the *earth* reaches but little below its surface. So far as men have every where dug, it appears a compages of numerous solid substances, ranged in a disorderly manner, seemingly to us; which may be physically necessary, to afford different partitions or beds, of soil, gravel, clay, stone, coal, marcasites, ores, gems, &c. each serving as a matrix to the other, and all affording no inconsiderable articles for commerce.

EARTHEN-WARE-SHOP. The persons who sell *earthen-ware* have some of them very considerable dealings, and carry on a wholesale trade in *earthen-ware*, which they buy in Holland, at the pot-houses near London, at Nottingham, in Staffordshire, and in Wales. Some of them also deal in Chelsea and Bow china, and in all glass drinking-vessels. Those who keep these shops take from five to twenty-pounds with an apprentice; and to set up in a handsome way will require one or two hundred pounds. *Earthen-ware*, to what duties liable. 2 *Will. and Mar. sess. 2. c. 4. f. 48.*

EAST-INDIA COMPANY. See COMPANY.

The *Scotch East-India company*, upon paying off their capital stock and interest, to be intirely dissolved. *Art. 15. 5 Ann. c. 8. f. 1.*

No person may trade thither, till sufficient security be given to the commissioners of the customs, that all the goods caused by them to be there laden, shall be brought, without breaking bulk, to some port of England; which security the English East-India company are to give under their common seal, for every ship by them sent out, after the rate of two thousand five hundred pounds for every hundred tons they are let for, according to the form prescribed.

E A S

9 and 10 *Will. III. cap. 44. sect. 68.* 6 *Ann. c. 3. f. 1.*

But the South-Sea company may, by consent of the East-India company, under their common seal, send yearly to Madagascar, four ships to take in negroes to be transported to Buenos-Ayres; having first given security to the East-India company not to trade for any other goods. 13 *Geo. I. c. 8. f. 1, 2, 3, 6, 7.* 3 *Geo. II. c. 14. f. 15.*

The goods imported from thence must be brought to some port of Great-Britain, and be there unladen, and be openly and publicly sold by inch of candle; upon forfeiture, or their value. 9 and 10 *Will. III. c. 44. f. 68.* 6 *Ann. c. 3. f. 2.*

The united company and corporation empowered by these acts are to have the whole, sole, and exclusive trade to and from thence, and to and from all places between the Cape of Good-Hope and Streights of Magellan, for ever: but subject to redemption of parliament by three years notice, after the 25th of March, 1780; upon the expiration whereof, and repayment to the said company of the capital stock or debt of 4,200,000 l. and all arrears of annuities payable in respect thereof, their right and title to such trade are to cease and determine. 9 and 10 *Will. III. c. 44. f. 80.* 3 *Geo. II. c. 14. f. 9, 10, 11, 12.* 17 *Geo. II. c. 17. f. 2, 3, 14.*

The trade and corporation of the united company continued, although their fund should be redeemed. 10 *Ann. c. 28. f. 1.* 17 *Geo. II. c. 17. f. 12, 15.*

Persons not qualified, going or trading thither, forfeit the ship and goods, and double the value thereof; one-fourth part to the seizer or informer, and the other three-fourths to the use of the company, who are to bear the charges of prosecution. 9 and 10 *Will. III. c. 44. f. 80.* 13 *Geo. I. c. 8. f. 3.* 3 *Geo. II. c. 14. f. 9.* 17 *Geo. II. c. 17. f. 12.*

Any of his majesty's subjects (not lawfully authorized) going to, or being found in the East Indies, shall be guilty of a high crime and misdemeanor, and may be prosecuted within six years, and being convicted thereof, shall be liable to such penalty as the court shall think fit. 5 *Geo. I. c. 21. f. 1.* 7 *Geo. I. c. 21. f. 1.* 9 *Geo. I. c. 26. f. 6.*

Every person so offending may be seized and brought to England, and committed to the next county goal, by any justice of peace, till sufficient security be given, by natural-born subjects or denizens, for their appearance to answer the prosecution; and not to depart out of the kingdom without leave. 5 *Geo. I. c. 21. f. 2.* 9 *Geo. I. c. 26. f. 7.*

Persons trading or going thither, under foreign commissions, forfeit five hundred pounds. 5 *Geo. I. c. 21. f. 3.*

The South-Sea company's trade to any of the limits, to which they are intitled, not to be prejudiced by these acts. 5 *Geo. I. c. 21. f. 5.* 3 *Geo. II. c. 14. f. 15.*

Goods traded for contrary to law, forfeited, with double the value. 7 *Geo. I. c. 21. f. 3.*

Contracts for ships, in foreign services, to trade thither, void. 7 *Geo. I. c. 21. f. 2.*

Goods not belonging to the company, or persons licensed by them, shipped on board ships bound thither, or taken out of ships from thence before their arrival, forfeited with double the value: the master privy thereto, forfeits a thousand pounds, and all his wages. 7 *Geo. I. c. 21. f. 4.*

Bills of complaint may be exhibited against illegal traders, for discovery thereof, and recovery of the duty, and thirty pounds *per cent.* to the company. 7 *Geo. I. c. 21. f. 5.*

Officers not to prosecute for forfeitures and penalties, without the consent of the directors of the company. 7 *Geo. I. c. 21. f. 7.*

The Levant company's trade to the Levant seas, not to be prejudiced by these acts. 7 *Geo. I. c. 21. f. 8.* 3 *Geo. II. c. 14. f. 16.*

Goods of the product of the East-Indies may not be imported into any place belonging to the British crown, unless shipped from Great-Britain, on forfeiture of ship and goods, or their value: officers of the customs conniving thereat, or delaying prosecution, forfeit five hundred pounds, and rendered incapable. 7 *Geo. I. c. 21. f. 9.*

None of his majesty's subjects may contribute, or promote the establishing, or carrying on any foreign company trading to the East-Indies, from any part of the Austrian Netherlands, or any other place; upon forfeiture of their share in such company, with treble the value: one-third part thereof to the use of his majesty, and two-thirds to the use of the company, if they inform or sue; otherwise, one-third part of such two-thirds to the use of the informer or suer. 9 *Geo. I. c. 26. f. 1.*

Bills of complaint may be exhibited for the discovery of offences, and recovery of the single value only; one-third part whereof for the use of his majesty, and the other two-thirds for the use of the company. 9 *Geo. I. c. 26. f. 2.*

But if a common informer declares his intention of prosecuting at law, and instead thereof the directors shall chuse to have it commenced by bills of complaint, they are to allow him one-third of the aforesaid two-third parts. 9 *Geo. I. c. 26. f. 3.*

Any of his majesty's subjects accepting of any share in trust, or knowing any other subject to have any interest or share in any foreign company, not discovering the same to the united company, within six months, shall forfeit treble the value of such shares, or one year's imprisonment. 9 *Geo. I. c. 26. f. 4.*

But making a voluntary discovery to the directors, in writing, within the time afore limited, to have a moiety of the forfeiture. 9 *Geo. I. c. 26. f. 5.*

The forfeitures and penalties inflicted by the acts of 9 and 10 *Will. III.* 6 *Ann.* 6 *Geo. I.* and these acts, may be prosecuted by the attorney-general, the united company, or any officer of the customs: one-third part whereof to be for the use of his majesty, one-third to the use of the company, and the other to the use of the officers. 7 *Geo. I. c. 21. f. 6.* 3 *Geo. II. c. 14. f. 9.*

The united company may export stores, provisions, utensils of war, and necessaries for their garrisons and settlements, free of duty, provided the duty would not have exceeded three hundred pounds in any one year. 7 *Geo. I. c. 21. f. 13.*

A capias in the first process may be issued for offences against any act for the encouraging and securing the lawful trade thither. 9 *Geo. I. c. 26. f. 8.*

The duty of five pounds *per cent.* for the maintenance of ambassadors, &c. is, after 29 September, 1714, repealed for goods imported from thence by the English company. 9 and 10 *Will. III. c. 44. f. 75, 76, 77.* 6 *Ann. cap. 17. sect. 8.*

Wrought-silks, Bengals, and stuffs mixed with silk or herba, of the manufacture of East-India, China, or Persia, and calicoes, printed, painted, stained, or dyed there, prohibited to be worn in Great-Britain; and are, upon importation, to pay only the half-subsidy. 11 and 12 *Will. III. c. 17. f. 1, 10.*

Such goods to be imported into the port of London only, and there regularly entered, upon forfeiture, and five hundred pounds. 11 and 12 *Will. III. c. 10. f. 3.*

After entry, to be secured in proper warehouses approved by the commissioners of the customs; and not to be taken thence, but in order for exportation, and until sufficient security be given accordingly.

Such security may be discharged, upon certificate under the common seal of the chief magistrate; or under the hands and seals of two known British merchants, at the place where landed, testifying the same, or upon proof that the goods were taken by enemies, or perished at sea. 11 and 12 *Will. III. c. 10. f. 2.*

Such bonds not prosecuted within three years, nor judgment obtained within two years after prosecution, void. 8 *Ann. c. 13. f. 24, 25.*

Officers refusing to deliver them up accordingly, are to pay damage and treble damages. 8 *Ann. c. 13. f. 24, 25.*

Proprietors may affix one lock to every warehouse, and may view, fort, or deliver such goods for exportation, in the presence of the warehouse-keeper, who is to attend at all seasonable times. 11 and 12 *Will. c. 10. f. 8.*

Found in any place, other than in the aforesaid warehouses, are forfeited; and upon seizure must be carried to the next custom-house, and after condemnation, are to be publicly sold by the candle for exportation, the buyers giving security accordingly. One third part of the produce of such sale to be paid to the king, and the other two-thirds to the seizer or prosecutor. 11 and 12 *Will. III. c. 10. f. 2.*

The persons knowingly harbouring or selling such goods, are likewise to forfeit two hundred pounds; one-third to the king, two-thirds to the prosecutor.

The place of the manufacture disputed, the proof to lie upon the owner. 11 and 12 *Will. III. c. 10. f. 4.*

Warehouse-keepers are to enter in a book, every chest, bale, and number of pieces therein contained, brought into and carried out of the aforesaid warehouses; and every six months transmit to the commissioners of the customs, upon oath, an exact account thereof, and of what are then remaining in order to be by them laid before the parliament, in the first week of every session.

Within one month after the aforesaid account has been transmitted, the commissioners are to cause the books and warehouses to be inspected, and the account examined; and if it appears that any goods have been illegally delivered, the warehouse-keeper is to forfeit the value thereof, and five hundred pounds, and be disabled from any public employment. 11 and 12 *Will. III. c. 10. f. 6.*

Unrated goods, calicoes, China ware, and drugs of the product of East-India or China, landed or taken out of any ship before entry, and security of the duties, or without a warrant from the officers, are forfeited, or their value; two-thirds to the use of his majesty, who is to bear the charges of prosecution, and one-third to the seizer or suer. 2 and 3 *Ann. c. 9. f. 8.* 3 and 4 *Ann. c. 4. f. 11.*

Wrought-silks, Bengals, and stuffs, mixed with silk or herba, of the manufacture of Persia, China, or East-India, or calicoes painted, dyed, printed, stained there, imported into this kingdom and secured in warehouses (pursuant to 11 and 12 *Will. III. c. 10.*) and appearing, upon examination by the proper officer, to be stained or damaged, or unfit for foreign markets, unless cleaned and refreshed, dyed, glazed, or calendered, may by leave of the commissioners of the customs be taken out to be so manufactured under the care and in the custody of an officer appointed by them; bond being first given, in double the value,

to return them again within the time the commissioners shall think reasonable to limit.

The officer to be paid for his trouble by the person at whose request the goods are taken out; and any dispute arising about his allowance, is to be determined by the commissioners. 15 and 16 Geo. II. c. 31. s. 9.

The warehouse-keeper, in the account of the goods received into, and delivered out of the warehouses (which he is directed to keep and transmit to the commissioners upon oath every six months, by 11 and 12 Will. III. c. 10.) is to insert an account of all goods delivered out to be cleaned, &c. in pursuance of this act, and of what is returned to the warehouse, with the days and times when, and of what is remaining in the care and custody of the officer out of the warehouse. 15 and 16 Geo. II. c. 31. s. 10.

Any officer intrusted with the care and custody of the goods delivered out, and not returning them again to the warehouse, is to forfeit the value of the goods, and five hundred pounds, and be for ever disabled from any public employment for the future. 15 and 16 Geo. II. c. 31. s. 11.

Any rate, or any thing contained in the additional Book of Rates, is not to extend to alter the methods prescribed by law for ascertaining the values upon such unrated goods, wares, and merchandizes imported, as are of the growth, produce, or manufacture of the East-Indies, China, or other parts within the limits of the charters granted to the united company of merchants of England trading to the East-Indies.

It must be further observed, in respect to goods of the

growth, product, or manufacture of India or China,

That all manufactures of India or China (except arrack, indigo, and such goods as by any act of parliament may be imported duty free) are to be charged with the impost 1690 after the rate of twenty per cent.

That the united company trading to the East-Indies have liberty to enter such goods, as are imported by them, by bill of lading or sufferance, and to give security under their common seal, for the payment of the duties on coffee, and all such goods as are rated (by the 12th of Car. II. c. 4.) for payment of one half at the end of six calendar months next after the time, within which the report of the ship is, or ought to be made, and for the payment of the other half thereof, at the end of twelve calendar months, from the said time; and that all such allowances and deductions are to be made to the said company, as are made to other merchants, paying their duties at, or before landing their goods.

That as to such goods, which by not being so rated by 12 Car. II. c. 4. are (or though there rated, may be) chargeable with duties *ad valorem*; the importers, on making entries thereof at the custom-house, and before landing, are to give security by bond, with two or more sufficient sureties (or if the said company, under their common seal) for the payment of the said duties, so soon as they shall be sold; and also for exposing them to sale openly and fairly, by way of auction or inch of candle, in the city of London, within three years after the importation.

Example of computation of the duties on goods of East-India or China.

RATED GOODS. EXAMPLE.

18000 White callicoos.			
Whereof	850	damaged	$\frac{1}{32}$
	320		$\frac{1}{16}$
	560		$\frac{1}{8}$
	1730	damaged.	
	16270	found	8135 0 0
480 Yards of dimity			72 0 0
3600 Pounds of pepper			150 0 0
480 Pounds of shellack of the growth, &c.		24 0 0	102 0 0
560 Pounds of myrrh of the growth, &c.		78 0 0	380 0 0
760 Pounds of Bengal raw silk			175 0 0
25 Hundred of coffee			80 0 0
80 Hundred of salt-petre, for dyers use			3 15 0
1500 Walking-canes			825 0 0
1650 Callicoos, printed, painted, &c.			360 0 0
480 Pounds of Indian wrought-silk			1185 0 0
			70461 19 4

N ^o 2.			
8906 14 4	White callicoos.		
72 0 0	Dimity.		
34 0 0	Drugs.		
380 0 0	Raw-silk.		
175 0 0	Coffee.		
3 15 0	Canes.		
9571 9 4			
478 11 5 $\frac{1}{2}$	Discount.		
23 18 6 $\frac{3}{4}$			
454 12 10 $\frac{1}{4}$			

N ^o III.			
8906 14 4			
445 6 8 $\frac{1}{2}$	Discount		
22 5 4			
423 1 4 $\frac{1}{2}$			
211 10 8 $\frac{1}{4}$	Discount		
21 3 0 $\frac{3}{4}$			
190 7 7 $\frac{1}{2}$			

Discount	523 1 11 $\frac{1}{2}$		
	26 1 1		
N ^o 1	496 18 10 $\frac{1}{2}$		
2	454 10 10 $\frac{3}{4}$		
3	151 10 11 $\frac{1}{2}$		
4	303 1 11 $\frac{1}{4}$		
III	190 7 7 $\frac{1}{2}$		
5	485 19 11 $\frac{1}{2}$		
9	1719 10 7 $\frac{1}{2}$		
10	9 19 2 $\frac{3}{4}$		
14	3 8 0		

N ^o 9.			
1781 6 10 $\frac{1}{2}$	White callicoos		
14 8 0	Dimity.		
3 8 0	Drugs.		
19 0 0	Raw-silk.		
16 0 0	Salt-petre.		
$\frac{1}{4}$ 1834 2 10 $\frac{1}{4}$			
$\frac{1}{2}$ 458 10 8 $\frac{1}{2}$			
114 12 8	Discount.		
1719 10 2 $\frac{1}{2}$			

N ^o 10.			
8 15 0	Coffee.		
1 17 6	Canes		
$\frac{1}{4}$ 10 12 6			
$\frac{1}{2}$ 2 13 1 $\frac{1}{2}$			
0 13 3 $\frac{1}{4}$	Discount.		
9 19 2 $\frac{3}{4}$			

Total duty	3815 10 1		
N ^o 5			
8906 14 4	Callicoos.		
72 10 0	Dimity.		
102 0 0	Drugs.		
380 0 0	Raw-silk.		
175 0 0	Coffee.		
80 0 0	Salt-petre.		
3 15 0	Canes.		
9719 19 4			
485 19 11 $\frac{1}{2}$			

And besides the aforesaid duties,

The white callicoes and dimity are chargeable with the branches N° 12 or 14.

The coffee, if consumed in Great-Britain, is liable to the inland duty, N° 42.

The pepper, if consumed in Great-Britain, is further chargeable with several duties, which are to be computed, in the following exampled.

3600 Pounds of pepper, delivered out of the warehouse for home-consumption.

N° 9.		
3600 at $\frac{1}{2}$ d.		50 0 0
300		2 10 0
150	Discount at 5l. per cent.	0 2 6
		N° 1 — 2 7 6
		2 — 2 7 6
Disc. — 7 10 0		3 — 0 15 10
0 10 0 at $6\frac{2}{3}$ per cent.		4 — 1 11 8
		5 — 2 10 0
7 0 0		9 — 7 0 0
		18 — 45 0 0
N° 17.		Total duty 61 12 0
3600 at 3d.		
900		
45 0 0		

UNRATED GOODS.

The duties on unrated East-Indian goods are to be paid according to the real prices for which the goods are sold at the candle, deduction being made therefrom (as directed by 2 and 3 Ann. c. 9.) of so much as the net duties payable do amount unto, and of six per cent. allowed to the company for charges, and also * of so much as the company shall, *bona fide*, allow for prompt payment to the buyers, and the remainder will be the net values on which the duties payable are to be computed; these net values will be therefore more or less, reciprocally as the amounts of the duties are more or less, to which any species of goods is respectively liable.

The method to obtain the amount of the net duties payable, so as to be able to make the above-mentioned deduction, whereby any price at the candle may be reduced to its net value, is fully explained and illustrated in the following examples.

* The allowance of the company to buyers is $6\frac{1}{2}$ per cent.

Note, that the subsidy 1747 (by 21 Geo. II. c. 2.) being five per cent. on the gross price of goods at the candle, deduction is to be made in respect of that duty.

And that as to japanned or lacquered ware, the duties thereon are to be paid according to the true and real value, to be ascertained by the gross price at which they shall be sold by the candle. 12 and 13 Will. III. c. 11. s. 15.

The manner of reducing the prices at the candle to their net values explained.

Certain East-Indian manufactures, not particularly charged, sold at the candle for	100 0 0
From which de- { charges	6 0 0
duct (as per 2 and { the allow. for	6 10 0
3 Ann.) for { prompt paym.	
	12 10 0
Remains	87 10 0

From which 87 10 0 must also be deducted the net duties to be paid thereon, in order to ascertain the net or reduced value.

By the character B 30, it will be found that these species of goods are liable to the branches N° 1, 2, 3, 4, 9. (excluding subsidy 1747) whereby the duties payable on every 100l. thereof subject to duty will amount to 33l. thus:

	5 0 0
Discount	0 5 0
N° 1 —	4 15 0
2 —	4 15 0
3 —	4 11 8
4 —	1 3 4
9 —	18 15 0
	33 0 0

Then say,
As 133 0 0 { net val. with the duties } is to 33 0 0, the duties;
So is 87 10 0 { 100l. val. at the can. less by the charges } to 21 14 2 $\frac{1}{2}$ { the net dut. to be ded. } 21 14 2 $\frac{1}{2}$

Or thus,
As 133 0 0 { net value with the duties } is to 100l. { net value without the dut. }
So is 87 10 0 { 100l. val. at the can. less by the charges } to 65 15 2 $\frac{1}{2}$ { the net or red. value } 65 15 9 $\frac{1}{2}$

Discount	3 5 9 $\frac{1}{2}$
	0 3 3 $\frac{1}{2}$

N° 1 —	3 2 6
2 —	3 2 6
3 —	1 0 10
4 —	2 1 8
9 —	12 6 8 $\frac{1}{2}$

Net duties on the reduced value 21 14 2 $\frac{1}{2}$

And to demonstrate that this method is true,
To the net or reduced value of 65 15 9 $\frac{1}{2}$
Add { the net duties thereon 21 14 2 $\frac{1}{2}$
and the allowance 21 10 0
The total thereof makes the value sold for } 100 0 0
at the candle.

Whereby it is manifest, that no more has been deducted, than these duties and charges do really amount to.

Examples for finding the net or reduced value, and computing the duties on East-Indian goods unrated.

I. Certain East-Indian manufactures, not particularly charged, sold at the candle for 100 0 0
Dut. on 100l. 33l.—B 30. Val. at the can. 100 0 0
Deduct for { charges 6 0 0
{ prompt paym. 6 10 0
Therefore the proportion is, 12 10 0

As 133 0 0 is to 33 0 0, 87 10 0
So is 87 10 0 to 21 14 2 $\frac{1}{2}$ Net dut. to be ded. 21 14 2 $\frac{1}{2}$

Or thus,
As 133 0 0 is to 100 0 0,
So is 87 10 0 to 65 15 9 $\frac{1}{2}$ Net, or red. value 65 15 9 $\frac{1}{2}$

Discount	3 5 9 $\frac{1}{2}$
	0 3 3 $\frac{1}{2}$

Proof.	N° 1 — 3 2 6
Net, or reduced val.	2 — 3 2 6
Net duties thereon	3 — 1 0 10
Prompt and charges	4 — 2 1 8
	9 — 12 6 8 $\frac{1}{2}$

100 0 0 Net dut. on ?
the red. val. { 21 14 2 $\frac{1}{2}$
N° 5 — 5 0 0

Total duties to be paid 26 14 2 $\frac{1}{2}$
Less half N° 1 — 1 11 3

Net draw-back 25 2 11 $\frac{1}{2}$

II. Certain East-Indian unmanufactured goods, not particularly charged, fold at the candle } 100 0 0

Dut. on 100l. 18 18 9-C 73. Val. at the can. 100 0 0

Deduct { charges 6 0 0
prompt paym. 6 10 0

Therefore the proportion is, 12 10 0

As 118 18 9 is to 18 18 9,

So is 87 10 0 to 13 18 7½ Net dut. to be ded. 87 10 0

Or thus,

As 118 18 9 is to 100 0 0,

So is 87 10 0 to 73 11 4½ Net, or red. value 73 11 4½

Discount 13 18 7½
0 3 8

Proof.

Net, or red. value 73 11 4½

Net duties thereon 13 18 7½

Prompt and charg. 12 10 0

100 0 0

Net dut. on the reduced value } 13 18 7½

Nº 5 5 0 0

Total duties to be paid 18 18 7½

Lefs half Nº 1 1 14 11½

Net draw-back 17 3 8

III. Certain muslins, or white calicoes, }
flowered, stitched, &c. fold at the candle } 100 0 0

Dut. on 100l. 35 2 9-Cd 30. Val. at the can. 100 0 0

Deduct { charges 6 0 0
prompt paym. 6 10 0
Nº 12 or 14-14 5 0

Therefore the proportion is, 26 15 0

As 135 2 9 is to 35 2 9,

So is 73 5 0 to 19 0 11 Net dut. to be ded. 19 0 11

Or thus,

As 135 2 9 is to 100 0 0,

So is 73 5 0 to 54 4 1 Net reduced value 54 4 1

Discount 2 14 2½
0 2 8½

Proof.

Net, or reduced val. 54 4 1 Nº 1 2 11 6

Dut. { Nº 12 or 14-14 5 0 II 1 3 2

{ on red. val. 19 0 11 2 2 11 7

Charges and prompt paym. 12 10 0 3 0 17 2

100 0 0 Net du- ties on } 19 0 11

Nº 12 or 14-14 5 0

Nº 5 5 0 0

Total duties to be paid 38 5 11

Lefs half Nº 1 1 5 9

Net draw-back 37 0 2

IV. Certain East-Indian cotton manufac- }
tures, fold at the candle for } 100 0 0

Dut. on 100l. 33l.-B 30. Val. at the cand. 100 0 0

Deduct { charges 6 0 0
prompt paym. 6 10 0
Nº 12 or 14-14 5 0

Therefore the proportion is 26 15 0

As 133 0 0 is to 33 0 0,

So is 73 5 0 to 18 3 6 Net dut. to be ded. 18 3 6

Or thus,

As 133 0 0 is to 100 0 0,

So is 73 5 0 to 55 1 6 Net, or red. val. 55 1 6

Discount 2 15 1
0 2 9

Proof.

Net, or reduced val. 55 1 6 Nº 1 2 12 4

Dut. { Nº 12 or 14-14 5 0 2 2 12 4

{ on red. value 18 3 6 3 0 17 5½

Charges and prompt paym. 12 10 0 4 1 14 10¾

100 0 0 Net dut. } 18 3 6

on red. val. } 18 3 6

Nº 12 or 14-14 5 0

Nº 5 5 0 0

Total duties to be paid 37 8 6

Lefs half Nº 1 1 6 2

Net draw-back 36 2 4

V. Certain China-ware, fold at the candle for 100 0 0

Dut. on 100l. 52 2 6-K 30. Val. at the can. 100 0 0

Charges 6 0 0

Prompt paym. 6 10 0

Therefore the proportion is, 12 10 0

As 152 2 6 is to 52 2 6,

So is 87 10 0 to 29 19 7½ Net dut. to be ded. 29 19 7½

Or thus,

As 152 2 6 is to 100 0 0,

So is 87 10 7 to 57 10 4½ Net, or red. val. 57 10 4½

7½ per cent. 4 6 3½

Discount 0 4 3½

Proof.

Net, or reduced val. 57 10 4½ Nº 1 4 1 11½

Net duties thereon 29 19 7½ 2 4 1 11½

Charges and prompt 12 10 0 3 1 7 4

100 0 0

4 2 14 7½

9 10 15 8½

14 6 18 0½

Net dut. on red. val. 29 19 7½

Nº 5 5 0 0

Total duties to be paid 34 19 7½

Lefs half Nº 1 2 0 11½

Net draw-back 32 18 7½

VI. Certain East-Indian drugs manufac- }
tured, fold at the candle for } 100 0 0

Dut. on 100l.-K 30. Val. at the candle 100 0 0

Deduct for { charges 6 0 0

prompt paym. 6 10 0

Therefore the proportion is 12 10 0

As 137 0 0 is to 37 0 0,

So is 87 10 0 to 23 12 7½ Net dut. to be ded. 23 12 7½

Or thus,

As 137 0 0 is to 100 0 0,

So is 87 10 0 to 63 17 4½ Net, or red. val. 63 17 4½

3 3 10½

Discount 0 3 2½

Proof.

Net, or reduced val. 63 17 4½ Nº 1 3 0 8

Net duties thereon 23 12 7½ 2 3 0 8

Charges and prompt 12 10 0 3 1 0 2½

100 0 0

4 2 0 5½

9 11 19 6½

14 2 11 1½

Net dut. on red. val. 23 12 7½

Nº 5 5 0 0

Total duties to be paid 28 12 7½

Lefs half Nº 1 1 10 4

Net draw-back 27 2 3½

VII. Cer-

E A S

VII. Certain East-Indian drugs unmanufactured, sold at the candle for } 100 0 0
 Dut. on 100l. 22 18 9-L 73. Val. at the can. 100 0 0
 Deduct for { charges 6 0 0
 prompt paym. 6 10 0

Therefore the proportion is, 12 10 0

As 122 18 9 is to 22 18 9, 87 10 0
 So is 87 10 0 to 16 6 6 1/2 Net dut. to be ded. 16 6 6 1/2

Or thus,

As 122 18 9 is to 100 0 0,
 So is 87 10 0 to 71 3 5 1/2 Net reduced val. 71 3 5 1/2

Discount 3 11 2
 0 3 6 1/2

Proof.
 Net, or reduced val. 71 3 5 1/2
 Net duties thereon 16 6 6 1/2
 Charges and prompt 12 10 0
 100 0 0
 14 2 16 11 1/2

Net duties, or the red. val. 16 6 6 1/2
 N^o 1 5 0 0

Total duties to be paid 21 6 6 1/2
 Less half N^o 1 1 13 9 3/4

Net draw-back 19 12 8 1/2

VIII. Certain cowries, sold at the candle for 100 0 0

Dut. on 100l. 23 12 6-C 73. Val. at the can. 100 0 0
 Deduct for { charges 6 0 0
 prompt paym. 6 10 0

Therefore the proportion is, 12 10 0

As 123 12 6 is to 23 12 6, 87 10 0
 So is 87 10 0 to 16 14 5 Net dut. to be ded. 16 14 5

Or thus,

As 123 12 6 is to 100 0 0,
 So is 87 10 0 to 70 15 7 Net, or red. val. 70 15 7

Discount 3 10 9 1/2
 0 3 6 1/2

Proof.
 Net, or reduced val. 70 15 7
 Net duties thereon 16 14 5
 Charges and prompt 12 10 0
 100 0 0
 10 6 12 8

Net dut. on red. val. 16 14 5
 N^o 5 5 0 0

Total duties to be paid 21 14 5
 Less half N^o 1 1 13 7 1/2

Net draw-back 20 0 9 1/2

IX. One thousand pounds of East-Indian wax candles, sold at the candle for } 100 0 0

Dut. on 100l. 33l.-B 30. Val. at the can. 100 0 0
 Deduct for { charges 6 0 0
 prompt paym. 6 10 0
 Theref. the prop. is, Du. N^o 20, 21-33 6 8-45 16 8

As 133 0 0 is to 33 0 0, 54 3 4
 So is 54 3 4 to 13 8 9 1/2 Net dut. to be ded. 13 8 9 1/2

Or thus,

As 133 0 0 is to 100 0 0,
 So is 54 3 4 to 40 14 6 1/2 Net, or red. val. 40 14 6 1/2

Discount 2 0 8 1/2
 0 2 0 1/2

E A S

Proof.
 Net, or red. val. 40 14 6 1/2
 Dut. { N^o 20, 21-33 6 8
 on red. val. 13 8 9 1/2
 46 15 5 1/2
 N^o 1 1 18 8
 2 1 18 8
 3 0 12 10 1/2
 4 1 5 9 1/2
 9 7 12 9 1/2

Charges and prompt 12 10 0 Net duties } 13 8 9 1/2
 on red. val. }
 100 0 0 N^o 20, 21-33 6 8
 N^o 5 5 0 0

Total duties to be paid 51 15 5 1/2
 Less half N^o 1 0 19 4

Net draw-back 50 16 1 1/2

X. Certain tea, sold at the candle for 100 0 0

Dut. on 100l. 18 18 9-C 73. Val. at the can. 100 0 0
 Deduct for { charges 6 0 0
 prompt paym. 6 10 0

Therefore the proportion is, 12 10 0

As 118 18 9 is to 18 18 9, 87 10 0
 So is 87 10 0 to 13 18 7 1/2 Net dut. to be ded. 13 18 7 1/2

Or thus,

As 118 18 9 is to 100 0 0,
 So is 87 10 0 to 73 11 4 1/2 Net, or red. val. 73 11 4 1/2

Discount 3 13 7
 0 3 8

Proof.
 Net, or reduced val. 73 11 4 1/2
 Net duties thereon 13 18 7 1/2
 Prompt and charges 12 10 0
 109 0 0
 Net du. on red. val. 13 18 7 1/2
 N^o 5 5 0 0

Total net dut. to be paid 18 18 7 1/2

No draw-back.

On payment of the above duty at importation, the tea is to be secured in proper warehouses. And on delivery thereon (except for exportation to Ireland or to his majesty's plantations in America) the following duties are to be paid.

Branch N^o 12 { For every pound weight thereof 0 1 0
 And
 For every 100l. gross val. at the sale 25 0 0

XI. Certain East-Indian manufactured goods for dyers use, as by 3 and 4 Ann. and not exempted from duty by 8 Geo. I. } 100 0 9
 sold at the candle for

Dut. on 100l. 23 10 0-Ad 30. Val. at the can. 100 0 0

Deduct for { charges 6 0 0
 prompt paym. 6 10 0

Therefore the proportion is, 12 10 0

As 123 10 0 is to 23 10 0, 87 10 0
 So to 87 10 0 to 16 13 0 Net dut. to be ded. 16 13 0

Or thus,

As 123 10 0 is to 100 0 0,
 So is 87 10 0 to 70 17 0 Net, or red. val. 70 17 0

Discount 3 10 10 1/2
 0 3 6 1/2

Proof.
 Net, or red. val. 70 17 0
 Net dut. thereon 16 13 0
 Charg. and prom. 12 10 0
 100 0 0
 Net dut. on red. val. 16 13 0
 N^o 5 5 0 0

Tot. dut. to be paid 21 13 0
 Less half N^o 1 1 13 8

Net draw-back 19 19 4

XII. Ger-

XII. Certain East-Indian goods unmanu-
factured for dyers use, as by 3 and 4 Ann.
and not exempted by 8 Geo. I. fold at the
candle for } 100 0 0
Dut. on 100l. 9 8 9-Bd 73. Val. at the can. 100 0 0
Deduct for { charges 6 0 0
prompt paym. 6 10 0
Therefore the proportion is, 12 10 0

As 109 8 9 is to 9 8 9,
So is 87 10 0 to 7 10 11 Net dut. to be ded. 7 10 11
Or thus,
As 109 8 9 is to 100 0 0,
So is 87 10 0 to 79 19 1 Net, or red. val. 79 19 1

Discount 3 19 11½
0 4 0
Proof. N° 1— 3 15 11½
10— 3 14 11½
Net, or red. val. 79 19 1
Net dut. thereon 7 10 11
Charg. and prom. 12 10 0 Net dut. on red. val. 7 10 11
N° 5— 5 0 0
100 0 0
Tot. dut. to be paid 12 10 11
Less half N° 1— 1 17 11¾
Net draw-back 10 12 11¾

XIII. Certain unrated goods of the manu-
facture of Persia, India, or China, pro-
hibited to be worn or used in Great-
Britain, as Bengals and Stuffs, mixed
with silk or herba; and manufactures of
cotton, printed, painted, stained, or dyed,
or furniture or apparel made thereof,
fold at the candle for } 100 0 0
Dut. on 100l. 2 7 6-M. Value at the cand. 100 0 0
Deduct for { charges 6 0 0
prompt paym. 6 10 0
Therefore the proportion is, 12 10 0

As 102 7 6 is to 2 7 6,
So is 87 10 0 to 2 0 7 Net dut. to be ded. 2 0 7
Or thus,
As 102 7 6 is to 100 0 0,
So is 87 10 0 to 85 9 5 Net, or red. val. 85 9 5

Proof. Discount 4 5 5½
0 4 3½
Net, or red. val. 85 9 5
Net duty thereon 2 0 7
Charg. and prom. 12 10 0
Net duty to be paid, being half the old subsidy } 2 0 7

XIV. Certain East-Indian japanned or
lacquered were, fold at the candle for } 100 0 0
B 30.

By 12 and 13 Will. III. c. 11. f. 15. the
duties on japanned or lacquered wares are to
be paid according to the true and real value,
to be ascertained by the gross price at the
candle.

Value at the candle 100 0 0
Discount. 5 0 0
N° 1— 4 15 0
2— 4 15 0
3— 1 11 8
4— 3 3 4
5— 5 0 0
9— 18 15 0
Total net duty to be paid 38 0 0
Less half N° 1— 2 7 6
Net draw-back 35 12 0

EAST-INDIES. The *East Indies* commence where
the kingdom of Persia ends, being separated from it by a
long chain of mountains, and the river *Indus*, whose name
they have taken, and which on issuing from Mount Tau-
rus, where it rises, takes its course towards the northern
parts of India, as the *Ganges*, which flows from the same
mountain, does towards the south, both falling at last into
the Indian Ocean, the first into the gulph bearing its name,
and the other into that called Bengal. This vast region of
Asia is called the *East-Indies*, from its advanced situation
towards that part of the heavens, more than any other
country yet known; as America is in the same manner
distinguished by the denomination of the *West-Indies*, on
account of its lying more west than any other district of the
habitable globe.

East-India is commonly divided into that on this side
of, and that beyond the *Ganges*; the first comprehends
the empire of the great Mogul, the kingdoms of Decan,
Narsinga, Canara, the *Pescherie*, or fishing coast, that of
Coromandel, Beshnagar, and Orixá. The other includes the
kingdoms of Bengal, Aracan, Pegu, Siam, Malacca, Cam-
boya, Ciampa, Cochinchina, Brama, Jangomea, China,
and others less considerable.

Both these parts have their isles, those appertaining to
that beyond the *Ganges*, are larger and much more con-
siderable for their trade than the other.

EASTLAND, comprehends all the countries north-
ward of Holland; upon the continent, from Embden to
Archangel, the Sound and Baltic consequently included.
Any British subject may be free of the *Eastland company*
upon payment of forty shillings for his admission, by
25 Car. II. c. 7. f. 7.

EBONY is a hard kind of wood brought from the Indies.
There are two species of it in use among mechanics,
both which are susceptible of a very fine polish, and on
that account very much used in Mosaic, and inlaid works;
toys, &c.

EDDY-STONE. See LIGHT-HOUSE.

EDGE-TOOL-MAKERS. There are a peculiar
class of workmen who make edged tools for several diffe-
rent kinds of mechanics, as chisels, gravers of all sorts,
the instruments used by the different kinds of carvers, the
iron and steel-work of hatchets, axes, gimblets, &c. great
part of which are made in the country, though some of the
best are made in town; and a tolerable living is got by
them, both by the masters and journeymen. They take
from five to ten pounds with an apprentice, who may set
up with so small a sum as fifty pounds.

EDINBURGH, or *Mid-Lothian*. This tract of land
is plentifully furnished with all necessaries for life, and
some for trade, as it produces corn and cattle of all sorts,
abundance of coal, lime-stone, and salt; and near the
water of Leith is a mine of copper. *Edinburgh*, the ca-
pital of this shire, and of Scotland, is a noble city, though
built on a spot incommodious for trade, so that Leith is the
port to it, from whence, as may reasonably be supposed, a
very great traffic is carried on; though this might be vastly
increased, had the temper of the people led them to the
continuance and establishment of manufactures; but those
they had before the union are mostly laid aside, as the in-
habitants are more conveniently supplied since with all sorts
of commodities from England.

EGYPT. The interior commerce of *Egypt* was once
very considerable; of which its continual fairs, that dur-
ing the whole year were often held several at a time in the
different provinces of the kingdom, will give the highest
idea. There all the people of the country flocked together,
to furnish themselves with the goods and merchandizes that
they wanted, or to dispose of those which a superfluity
rendered useless. There each particular district, bringing
into trade the merchandize which either art or nature had
rendered peculiar to them, contributed on its part, to this
reciprocal communication, and to the general circulation,
which was incessantly made, in the whole body of the state.
Egypt was so fertile, and had so well perfected the arts and
sciences, that there was a prodigious concourse from all
parts to these so frequent assemblies, which were productive
of immense riches to all the country.

In regard to the exterior commerce of the kingdom, it
did not become flourishing all at once; and as it owed its
birth to the wants of strangers, rather than to those of the

Egyptians themselves, it was only by degrees that it went on by improving, and in the end became so extremely great, that *Egypt* was for a long time shut up in itself, and so separated from all other nations, that nature herself seemed to have concurred in keeping it hid from the rest of the earth, as at first it had no communication with any of the other people of the world. Long and toilsome deserts encompass it on the east and west, where its greatest extent is; dreadful and unpassable mountains bound it on the south, and shut up its passages to Nubia: in fine, the Mediterranean-Sea on the north, seemed to deny it any commerce on that side; for whilst navigation was so little known, it was for a long time in those ages retarded. *Egypt*, contented with its own products, was then both unknown, and unprofitable to the rest of the universe; from which it drew no advantage, until the Greeks, by risking the crossing to Afric, discovered in that country, so long unknown, a nation already polished, and a friend to trade, that in time engaged deeply in it, and became famous for its knowledge both in this and other liberal arts and sciences; which the magnificence and good taste of their kings contributed to perfect by inspiring their subjects with an emulation to improve in all by the application of a suitable reward, as an encouragement to those who exceeded in any of them; and it may be justly asserted, that they were therein supported a much longer time, than among all the other nations of the earth: but after that *Egypt* fell under the dominion of the Mahometans, all went to decay; the fertility of this charming country diminished, as the number of inhabitants did, and these people were soon reduced to an extreme misery under their pitiless masters; and, from a nation once so industrious, are now become the most unpolished, since the arts and sciences were banished.

The making of fire-arms is of all arts the best maintained in *Egypt*; and notwithstanding all others, with the sciences are so fallen to decay here, that it is hardly possible to discover any traces of them, yet it always carries on a very considerable trade with Afric, Asia, and even to India and Europe, and it must be allowed, that no situation was ever more favourable for trade, than that of this delightful country. See under the article CAIRO, a particular account of the present trade of *Egypt*.

ELEMI, improperly gum elemi, is a soft, resinous concrete juice, brought to us from the Spanish West-Indies, in long, roundish cakes. It is somewhat transparent, of a whitish yellow colour inclining to green, of a strong, not unpleasant smell, said to exude from a tree of the olive kind, upon being wounded. Distilled with water in the common manner, it yields a large portion of pale-coloured, thin, fragrant essential oil, there remaining behind in the still a resinous substance, friable when cold. This elegant balsam is rarely made use of but in external applications, although, from its fragrantcy and the large quantity of oil which it contains, it should seem preferable to some others which are at present held in greater esteem.

ELEPHANT, is the largest, strongest, and most tractable animal of all the terrestrial quadrupeds. It has but little hair, like that of a buffalo, and a like skin, which is black, thick, and cannot easily be pierced, though it be soft to the touch. It has a large head, short neck, and long ears. Its nose, which is called a trunk, is long and hollow, like a trumpet. Its feet are round and large, with callosities and five nails; its tail is like a buffalo's. Its teeth are ivory; and formerly elephants were used in war. *Elephants teeth*, to what duties liable. 4 Will. and Mar. c. 5. §. 2. See IVORY.

ELGIN takes its name from the royal burgh so called, and is a very fruitful part of Scotland, as well in corn as cattle; *Loffie* may properly be called its harbour, not lying far distant, and is a place of good business.

At a village called *Germaeh* are annually pickled and exported, from eighty to a hundred lasts of salmon, all taken in the few summer months, and within the space of a mile.

ELK'S-HOOF, in pharmacy, the left hinder foot of a large and stately animal, of the stag-kind, supposed to be of great virtue against epilepsies.

The hoof of the elk became in credit for the cure of epilepsies from a report that this creature was itself subject to that disease, but that it cured itself by putting the hoof of

the left hinder foot into its ear. This is a very unlucky circumstance in regard to this animal, which must be the last of all creatures in the world to be able to get it there. How the ancient accounts, that allow the elks no joints in their legs, can be made to countenance this story, is hard to conceive; nor, indeed, is it much easier to make those of the moderns do it. Olaus Magnus banters the whole story in a very pleasant manner, by changing the foot, and telling us, that the only hoof that has any virtue, and which the creature always applies to the cavity of its own ear, is the outer hoof of the right foot; a part it is wholly impossible for a creature formed like the elk ever to get there.

The virtues of the hoof in the cure of the epilepsy may be as great as those of many other substances of the same kind, all of them containing a volatile salt; but it is extremely probable, that the hoof of any other animal will do as well as that of the elk; and very certain it is, that one of the hoofs of this creature will answer the purpose full as well as another. It is never heard of in extemporaneous prescription, but is kept in the shops as an ingredient in some of the old compositions.

ELL, a measure of a certain length, whereby stuffs, linen, &c. are measured. It is different in different countries: but what are most general in England, are the English or Flemish; the former being three feet nine inches, and the latter only twenty-seven inches, or three-quarters of a yard.

ELLENFOOT harbour, in Cumberland. By 22 Geo. II. if the duties of two-pence for every hundred and ninety-two gallons of coals, to be paid by the proprietors, and by the masters of ships; and also the duties upon tonnage of six-pence per ton, for any vessel arriving in the said harbour; or four-pence per ton for any vessel driven thither by stress of weather, respectively granted for twenty-one years, shall raise the principal money and interest provided for, and to be borrowed on the credit of this act, and also the charges of collecting the said duties, before the end of the term of twenty-one years, then the said several duties shall cease; and from thenceforth, or from the expiration of the said term of twenty-one years, which shall first happen, only the duty of a penny for every hundred and ninety-two gallons of coals, as aforesaid, and one-third part of the duties on tonnage, shall continue to be applied for repairing, cleansing, and maintaining the pier and harbour of *Ellenfoot*.

EMBARGO, or restraint of princes, is commonly understood to be a prohibition of ships, sailing on the breaking out of a war, to hinder their giving any advice to the enemy; but it has a much more extensive signification, as they are not only stopped from the above-mentioned motives, but are frequently detained to serve a prince in an expedition, and for this have often their loading taken out, if a sufficient number of empty ones are not procurable to supply the state's necessity, and this without any regard to the colours they bear, or whose subjects they are; so that it frequently happens, that many of the European nations may be forcibly united in the same service, at a juncture that most of their sovereigns are at peace and in amity with the nation against which they are obliged to serve.

Some have doubted of the legality of the thing; but it is certainly conformable to the law both of nature and nations, for a prince in distress to make use of whatsoever vessels he finds in his ports, that are fit for his purpose, and may contribute to the successes of his enterprizes; but with the circumstance, that he makes them a reasonable recompence for their trouble, and does not expose either the ships or men to any loss or damage.

The Spaniards last expedition against Oran could not have been executed without making use of these means, as the vessels which their own country could furnish would have proved insufficient for transporting the troops necessary to be embarked; and therefore they embargoed all those that happened to be in their ports, to the number of more than six hundred, and obliged the captains to contract for two and half dollars per ton per month, which was pretty punctually paid before they were discharged. The fame was practised by that monarch in his Sicilian expedition, so fatal to his arms in their naval conflict with Sir George Byng (afterwards lord Torrington, and one of the

greatest men of the age) though so glorious and successful to his land ones, as it was in consequence of the advantages there gained against the emperor, that he obtained a crown for his son, his late Neapolitan majesty, and present king of Spain.

Those captains who refused to comply were imprisoned till they did, and had any one escaped after entering the service, he thereby forfeited every future prospect of admittance in that country, besides running the risk of paying dearly for his temerity.

EMBROIDERER. This business is performed by women, and is an ingenious art. The girl who is to be put apprentice to it, ought to have a dry clean hand, and a genius for drawing. She should be taught not only to draw flowers, &c. with great facility, but to have a just notion of the principles of light and shade, that she may range the colours in a natural order, and make them reflect a beauty on each other. As few of the present workers can draw, the pattern-drawer marks the pattern on the work itself, which the *embroiderer* fills up with gold and silver thread, silks, or worsteds. They take five or ten pounds with an apprentice; who, when out of her time, may set up mistress, if she has a good interest with the great, or with the saddlers, tailors, and milliners who work for them.

Deceits in *embroidery* prohibited, 2 *Hen. VI. cap. 9.* Foreign *embroidery* prohibited, 13 and 14 *Car. II. c. 13.* By the *stat. 22 Geo. II. c. 36.* no foreign *embroidery*, or gold or silver brocade, shall be imported, upon pain of being forfeited and burnt, and penalty of a hundred pounds for each piece. No person shall sell or expose to sale any foreign *embroidery*, gold or silver thread, lace, fringe, brocade, or make up the same into any garment, upon pain of having it forfeited and burnt, and penalty of a hundred pounds. All such *embroidery*, &c. found, may be seized and burnt, and the mercer, &c. in whose custody it was found, shall forfeit a hundred pounds.

EMERALD, in *natural history*, is the most beautiful of all the class of coloured gems, when perfect. It is found sometimes in the roundish or pebble form, sometimes in the columnar or crystalline: the pebble *emeralds*, however, are the most valued. There are multitudes found of the size of a large pin's head, for one of any tolerable bigness; though now and then there occur stones of the size of a horse-bean, and even up to that of a walnut, though this last very rarely. The pebble *emeralds* are found loose in the earth of mountains and in the beds of rivers; the crystalline ones are usually met with adhering to a white, opaque, crystalline matter, though sometimes to pieces of jasper, or of the prasiolus, a coarser and softer gem of the same colour, only with some tinge of a yellowish cast, and called the root of the *emerald*. The pebble *emeralds* are in their natural state bright and transparent, tho' less glossy than the columnar ones; both are always of a perfect and pure green. It has this green in all the different shades, from very dark to extremely pale, and is probably sometimes intirely colourless, though then our jewellers call it white sapphire.

Emeralds are found in the East-Indies, and in many parts of America, particularly about the gold mines of Peru; they are also met with in Silesia, Bohemia, and in some other parts of Europe; but they are very different in lustre and value, as they come from these different parts. The Oriental *emeralds* are of equal hardness with the sapphire; those of Peru are of much the same hardness with the garnet, and therefore of proportionably less beauty than the Oriental. As to those of the several parts of Europe, they are but little harder than the crystal; but when they are not harder than that stone, they are not *emeralds* at all, but only crystals tinged green by copper, and usually found in mines of that metal. These are very beautiful, but vastly inferior to the very worst of *emeralds* in hardness. The Oriental *emeralds* are at present found only in Cambay, and are there very scarce, and few of late have been imported into Europe, the princes of that part of the world being themselves very fond of them: large quantities of the finest *emeralds* in the world are to be seen among their regalia. What we see at our jewellers under the name of Oriental *emeralds* are all from Peru, and are many of them very beautiful; they are found in the

mountains over the gold mines, among a dusky greyish earth that fills up the perpendicular fissures of the strata of the earth, and sometimes adhering to the sides of those fissures in their crystalline shape.

The *smaragdus* of the ancients, properly so called, was evidently the same with our *emerald*; though they comprehended also under this name every gem, or even stone of any considerable beauty of a green colour.

The *emerald* is of the number of those gems that owe their colour to the metalline sulphurs; and therefore lose it in the fire, becoming colourless as crystal, though still very hard and of a fine lustre. Our druggists sell us, under the name of this gem, fragments of coloured crystals and spars, which are found in abundance about the mines of copper and iron. It is very certain, indeed, that the *emerald* owes its colour to the former of these metals, because the factitious pastes or glasses may be coloured to a true *smaragdine* hue by copper: but it does not follow that all the green crystals and spars have the particles of the same metal in the same proportion; or that they have not also other particles very improper to be given internally.

It will stop hæmorrhages and diarrhæas, and sweeten or obtund the too acrid humours. But as this is recorded of the *emerald*, as found among the druggists, it belongs rather to the crystal than to the gem. And perhaps it would be better for the world if both this and the other fragments of the gems were banished from the compositions in which they are ordered, and common crystals used in their stead. *Hill.*

EMERY, in *natural history*, is an iron ore, easily distinguished from all others, by its peculiar hardness.

It is found in masses of no determinate size or figure, of a dusky brownish colour on the surface, with some cast of red. When broken, it looks more of an iron colour. It is remarkably heavy, and is generally spangled all over with thin glittering particles, which are fragments of a kind of foliaceous talc very highly impregnated with iron. There is some *emery* which has a very strong tinge of red throughout; this is generally supposed to be rich in gold, but this colour is not always a certain sign of the presence of that metal.

Emery struck against a steel gives fire very readily; it cuts glass like a diamond; it makes no effervescence with any acid menstruum. There is a very great analogy between the magnet and this substance, so great as to prove that they are both iron ores: there are loadstones which are not to be distinguished from *emery* but by their attraction; and there are pieces of *emery* which will attract iron.

Emery is found in Sweden, Germany, Italy, England, and many other places. The island of Guernsey furnishes a great deal of it. The red kind is sometimes found in the German and other mines, tho' no where so plentifully as in the gold mines of Peru; but its exportation is strictly prohibited.

The lapidaries cut the ordinary gems on their wheels by sprinkling the wetted powder of *emery* over them, and afterwards give them their polish on other wheels with rotten stone. It will not cut diamonds at all, but is of great use on all the other occasions, and of constant service also in the cleaning and polishing of steel. *Hill.*

ENAMEL, vulgarly called *amel*, is a kind of coloured glass, used in painting in *enamel*; its basis is the finest crystal, made of the best kali from Alicant and sand vitrified together. To this fundamental composition are added *crocus martis* for yellow, and *æs usum* for green.

There are three kinds of *enamel*; the first for imitating precious stones; the second is for painting in *enamel*; and the third is used by the enamellers, jewellers, and goldsmiths, on gold, silver, and other metals. The composition is the same in the main in all the three kinds; the difference only consists in giving it the proper colour and transparency.

The white *enamel* used by painters is the same with the common *enamel*, only it is ground and cleansed with *aqua fortis*; then washed in fair water, and pounded again in a flint or agate mortar.

The black is made of *perigeux*, well calcined and ground with oil of aspic, with an equal quantity of the enamellers or goldsmiths black added thereto.

The ruddy brown is made with lees of vitriol and salt-petre, or with the rust of iron ground on an agate with oil of asphalt.

The yellow enamel for jewellers, goldsmiths, &c. is brought chiefly from Venice and Holland, in little thin cakes of different sizes, with the maker's mark struck on it with a punchon.

Vermillion-red is made of vitriol calcined in a moderate fire for half an hour, between two crucibles luted together; afterwards washed in *aqua fortis*, and then in fair water.

Lake-red is composed of fine gold, dissolved in *aqua regia* with sal ammoniac or common salt; then put into a cucurbit with spring-water and mercury in a sand-heat for twenty-four hours. Then the powder at the bottom is to be ground with double its weight of flowers of sulphur, and put into a crucible over a gentle fire. And, after the sulphur is exhaled, the remaining red powder is ground with *rocaille*.

Blue is made of the azure or *lapis lazuli* used by oil-painters, well purified with brandy, and set in a bottle for five or six days exposed to the sun.

An amber-colour is made by white copperas calcined.

From the combination of these seven or eight colours arises the variety of all the rest.

ENAMELLER. Enamelling is a curious art; and in some of its branches requires a genius for painting, and the art of drawing to great perfection. What renders it still more difficult for the painter in enamel to succeed in his work is, that he cannot be a judge of all the colours he lays on by the eye; and therefore he must colour and shade the piece by his idea of the metallic colours as they will be changed by fire, when many of them will be entirely different from those laid on with water. Copper or gold are the metals commonly used to enamel upon; but copper melts, as it can bear the greatest heat before it is brought to flow. The art of enamelling pictures has been lately facilitated by a very easy invention. If a number of enamelled snuff-boxes, or other things, are to have the representation of a piece of history, or a curious emblematical device, the piece is drawn on paper, and then engraved on copper, or at least all the out-lines, and principal touches. This copper-plate is worked off upon paper in brown or other coloured ink; and as soon as it is printed, the impression is laid while still wet upon the enamel, and pressing it close, the impression is taken off: the picture thus printed upon the enamel is painted with metallic colours, and afterwards, when thoroughly dry, put into the furnace; when, if it be done well, it will appear nearly as beautiful as if the figures had been drawn on the enamel with a pencil. This is an expeditious method, because two thousand snuff-boxes, &c. may be thus printed from the same copper-plate. The enameller takes with an apprentice from ten to twenty pounds, and the youth may become master at the expence of between fifty and a hundred pounds. The business is very profitable, for a good workman may have almost any price for his work; and a journeyman who can draw and paint well may have thirty or forty shillings a week.

ENCHASING, or CHASING, the art of beautifying vessels of gold, silver, &c. by representing figures on them in *basso relievo*. See **CHASER**.

ENGINEER, or ENGINE-MAKER. The youth designed for this business ought not only to have a genius for mechanics, but to understand all the laws and principles of the five mechanical powers, the wedge, the lever, the wheel, the screw, and the pulley; for on the combination of these powers depends the construction of all forcing engines whatever: he should also learn mathematics and drawing, be possessed of a clear and solid judgment, and be master of these branches of knowledge before he is put apprentice.

We shall not here treat of the *military engineer*, but of the artist employed in making *engines* for raising water, which is a very extensive business. He makes those curious machines which raise water by fire, either for draining mines, or supplying reservoirs. He makes *engines* to force water to any height, either for the domestic uses of families, or for extinguishing fires. This artist employs smiths of various sorts, founders for his brass-work, plumbers for his lead-work, and workers in leather to make his leathern pipes: and his business requires not only an acquaintance

with the gentry, but a considerable sum of money to set up with. It is in few hands, and is not capable of maintaining many masters, whose profits are very large. They take from ten to twenty pounds with an apprentice. The workmen, in the several branches they are employed in, earn from fifteen to twenty shillings a week; but the foreman of a shop, who has the above accomplishments, and understands the construction of *engines*, may earn much more.

ENGLAND. See **BRITAIN**.

ENGRAVER. The youth who chuses the business of an engraver ought to have a good eye, a steady hand, a genius for painting and drawing, a lively imagination, and a fertile invention. Little strength is necessary in this branch of business; but, like all other sedentary employments, it requires a sound constitution. The boy, who is desirous of becoming a great artist, ought to learn to draw very early, to be acquainted with painting, and to be a perfect master of the doctrine of light and shades. The business of the *copper-plate engraver* may, with respect to the manner of working, be divided into two parts; *engraving* and *etching*. *Engraving* is performed in the following manner: the work is drawn and shaded with Indian ink; the copper-plate is bought perfectly polished, and is slightly rubbed over with wax; the drawing is then laid with the face upon the plate, and both passed through the rolling-press, by which the impression of the drawing is taken from the paper upon the plate. The plate having thus the marks of the piece to be engraved, with all the shades, the out-lines are cut with a graver, and the different shades formed by lines traversing each other.

Etching is performed in the following manner: the work is drawn and shaded on paper as before, and the plate prepared in the same manner, only the wax is laid on thicker; and the impression, being as above taken off the paper, remains visible upon the wax; but now, instead of using the graver, the artist traces the lines of the figure, and those designed for the shades, with a needle fixed to the end of a little bit of stick, going no deeper than the wax, and making scarce any visible impression on the copper. When the whole impression is thus traced, a small kind of wall of shoemakers wax is raised round the edge of the plate, so as to prevent what is powered upon it running off, and *aqua fortis* being poured over the plate, is suffered to remain till it has eaten a sufficient depth into the scratches and lines made by the needle. An impression being thus made in the copper deep enough to represent the distant hills and figures, the *aqua fortis* is poured off, the plate is cleared from the wax, rubbed with an oiled rag, and the nearer figures, which ought to appear darker and bolder in the print, are again sketched out, and touched up with the graver; when the whole being finished, a proof is drawn off at the copper-plate press, and all the errors or oversights corrected by the graver, the plate is ready for being worked off.

The business of an engraver is generally divided into several branches: thus those who engrave maps generally engrave nothing but the maps and words, and send the ornament, which surrounds the title, to be done by another hand: those who engrave ornaments and other devices seldom engrave portraits; and there are some who engrave only landscapes.

There is another species of engraving prints, called *metzintio*: this is more properly called *scraping*; and being entirely different from those methods of engraving already mentioned, will be described in its proper place; as will also seal-engraving under the article **SEAL**.

The engraving of plate, sword-blades, &c. which are separate businesses from that of the *copper-plate engraver*, is performed much in the same manner; and therefore does not need a particular description.

The *copper-plate engraver* has from twenty to eighty pounds with an apprentice; and a journeyman, who is esteemed a tolerable hand, may earn thirty shillings a week; and some, who are extraordinary workmen, earn half a guinea a day: they are generally employed all the year round; and have this advantage, that it requires very little money to set up master.

The engravers of silver and gold plate take from ten to twenty pounds with an apprentice; and the best hands earn about thirty shillings a week.

Engravers,

Engravers, who shall invent, design and engrave prints, are to have the sole right of printing them for fourteen years, and they shall be engraved with the names of the proprietors; and others copying, and selling such prints, though by varying, &c. without their consent, shall forfeit five pounds for every print, and also the plates and sheets, &c. *Stat. 8 Geo. II. c. 13.*

ENTRE DUERO E MINHO, a province in Portugal, so called from being situate between those two famed rivers. It hath the Minho on the north, to divide it from Galicia, and the Duero on the south, which parts it from Beira; on the west it is bounded by the ocean, and on the east by a ridge of mountains, which separates it from the province of Tra los Montes. It is small, but the best inhabited, and hath the greatest number of cities, towns, and villages, of all the other provinces of Portugal, and is one of the most fertile, though mountainous, having many other rivers besides the two that inclose it, and a vast number of rivulets and sweet springs to water it; so that it abounds in good pasture more than any other parts of Portugal, and its plains are every where covered with vines, fruit, and other trees of all sorts: but it hath not sufficient corn for its inhabitants.

The places of any note for trade in this province are, *Oporto*, and *Viana de fez de Lima*. The first is a famed city and sea-port, situate on the north side of the Duero, about three miles from the sea. The port, a very commodious one, is so well known and frequented by our nation, that we need say the less of it. The harbour is safe against all winds; but, when the floods come down, no anchor can hold the ships; at which time they are forced to moor them along side each other, by the walls, to avoid the fury of the torrent: at the entrance into it there is a dangerous bar.

The second is become very considerable for trade since the great consumption of Portuguese wines in England, and is itself famed for a delicate sort of its own product, which is small, and not unlike the French, nor hardly inferior to it; whereas those that grow in the more southern parts are heavier, and less pleasant.

At *Guimaraes* and *Amarante*, two towns of note in this province, are linen manufactures, and from the former are exported considerable quantities of linen and fine thread.

ENTREPOST, the public magazine, appointed by the sovereign or state in most foreign countries for the reception of all merchandize imported with a design either to carry them through the dominions of the sovereign or state where they are debarked, or to re-ship them for some other country: merchandize thus landed not being subject to the duties of import, the care of them must be confided to the officers of the customs, who generally give a receipt, and keep exact registers of all goods deposited in their *entrepôts*: a small consideration is given for the liberty of thus depositing goods in the public magazine, which differs in every country, as well as the formalities to be observed. In Flanders, all merchandize in general pay one-half *per cent.* on the value for the use of the *entrepôt* for twelve months, at the expiration of which term, it may be renewed on the same conditions.

In some of these *entrepôts* merchandize must be unshipped, or passed through the country to the place of destination, unopened and in the same quantity and form that it entered the country; in others it is permitted to open bales in the *entrepôts*, to enter any separate part, and dispose of it on the spot, and to pass the remainder by transit, or re-ship it: or to dispose of the whole in the country, paying the duties of import only on such parts as are disposed of, or taken out of the *entrepôt* for consumption in the country. These *entrepôts* are of vast utility to commerce, and, indeed, it would be impossible to carry on any considerable trade on the continent without them, the convenient situation of many ports rendering it necessary to land goods in them which are destined for other countries, and where these are not free-ports, if all merchandize was to pay the duties of the country where it was landed, and afterwards those of the place of its destination, commerce would be at a stand; but by means of this facility it is considerably improved.

An *entrepôt* city is a city which trading nations make choice of as the general magazine for all sorts of merchan-

dize destined for that quarter of the globe where it is situated. Thus Smyrna is the magazine of the Levant, where the English, the French, the Dutch, and the Venetians lay up their merchandize destined for Persia and the dominions of the grand seignior.

Nearer home, Dunkirk may be considered as the *entrepôt* of France, with this advantage, that it is a free port; and Ostend is a considerable *entrepôt* for goods passing to many parts of Germany, also to Lorrain, the Liege Country, and to France.

ENTRIES. See *BILL of ENTRY and CERTIFICATE.*

ERYNGO ROOT, in *pharmacy*, is a very long root, growing to fourteen or sixteen inches in length, and of the thickness of one's finger. Its surface is somewhat wrinkled, the lines running longitudinally. It consists of a soft, tender, and fleshy cortical part, and an external one of a hard and woody nature, which easily separates from it. It is of a dusky brownish colour on the outside, and white within; of a fragrant smell, and a sweetish agreeable taste.

It grows on the sea-coasts of almost every part of Europe, and flowers in June and July.

The root of the *eryngo* is an excellent attenuant; it incises and dissolves the viscid humours which are apt to clog the viscera, and opens their obstructions; and hence it is an excellent hepatic, uterine, and nephritic. It promotes urine and the menses, and is excellent in jaundices, and the beginning of dropsies. It must be observed, that the whole virtue of the root is contained in the cortical part, which is of so tough and fibrous a texture, that it cannot be reduced to the common form of powder, without such a previous drying as robs it of the greater part of it. Therefore, if any great effect is expected, it must be given in a decoction, or candied.

ESCAUN, a Dutch and Flemish silver current coin, value six-pence sterling.

ESSEX, is a fertile county, and very abundant both in its products and manufactures; the former consisting in cattle, corn, and hops, but principally in oysters and saffron, of both which it produces a great quantity, and the best of the sort in the world; it is likewise famous for suckling calves, and from whence the London markets are principally supplied with this agreeable food; some cloths, stuffs, and carpets are made here, but its fabrics for bays are unequalled in any part; and most of the inhabitants of Bocking, Braintree, Cogeshall, Chelmsford, Billericay, Bishopstortford, Waltham, Rumford, Halstead, Witham, and innumerable smaller, but populous villages, are chiefly employed in fortging, oiling, combing, or otherwise preparing the wool for the looms, or manufacturing it. At Colchester only are made at present from six to seven hundred pieces of bays weekly, called therefrom Colchester-bays; and at Bocking, Dunmore, &c. about four hundred pieces *per week* of that sort called Bocking-bays, extra of mock Colchesters, which are not a few; and the former have been so much in demand since the peace with Spain, (for whose markets they are fittest, as the latter are for Portugal) as to occasion a rise of ten shillings *per piece* in price on the best sort of them more than they usually went at before the late war. A large quantity of fresh butter is sent to London from this county, and in lieu thereof they take from thence, and from Suffolk, in firkins, what suffices for their own consumption. See *COLCHESTER*.

ESTRAMADURA. There are two provinces of this name, the one in Spain, the other in Portugal. The Spanish is divided from the Portuguese *Estramadura*, on the west, by the river Elya Caya, and some others of less note, and its whole length from north to south is one hundred and fifty miles, and breadth from east to west about one hundred and twenty. The climate indeed is extremely hot, and somewhat sultry, being mostly inland, and wanting those cooling gales which the hills and sea communicate to the adjacent provinces; but in all other respects it may be justly reckoned the pleasantest and most fertile, not only in all Spain, but perhaps in the world. For an evidence of which, we need but instance in the celebrated plain called La Vera de Placentia, of which it might suffice to say, that several of the ancients placed the Elysian fields in it, as knowing of no place more delicious and beautiful. This noble plain is about thirty-six miles

in length, and ten in breadth, and so sweetly delightful, that it invites great numbers of the nobility and gentry to spend the summer in it.

It has thirteen small towns or villages, and about five thousand houses, all beautifully situated and neat, and all the rest is either covered with the greatest variety of fruit-trees which Europe affords, or beautifully variegated and disposed into olive-groves, vineyards, gardens, orchards, meadows and fields, watered with many pleasant springs and streams. Such is, in fine, the product of this valley, that of the territory of only four inconsiderable villages, out of the thirteen that are in it, the product is said to have amounted in one year, to one hundred and fifty tons of oil, five hundred and sixty of wine, sixty thousand bushels of chestnuts, an incredible quantity of wheat and other grain; whilst other parts of it yielded not only the like, or even larger quantities in proportion, of the same produce, besides fruit, flax, &c. but likewise abundance of silk, wax, honey, saffron, besides pasture, and a great number of cattle.

The Portugueseze *Estremadura* is a long narrow slip, running along the sea-coast, and reaching from the mouth of the river Mondego northwardly down, and southwardly quite below the town of Setuval; so that it extends from the latter to the former, that is, from south-west to north-east, about one hundred and ten miles. In breadth it is scarce fifty, and in some places much narrower; and its utmost verge westward, which is the Cape la Roca, or as our seamen term it, the rock of Lisbon, lies under nine degrees forty-five minutes west longitude. It is bounded on the north by the Mondego above-mentioned, which parts it from Beira, and the province of Alentejo; and it has again Beira on the east, and the ocean on the west. The land is here for the most part the very best in Portugal, and the climate very pleasant and mild, by being so near the Western Ocean. It produces wheat and other grain in greater plenty than the other provinces, abundance of wine, oil, fruit of all sorts, especially citrons, lemons, oranges, pomegranates, figs, dates, almonds, &c. upon which account the people here live much better, and above want. Here are also greater variety of manufactures carried on, and a much larger share of trade and commerce; all which is owing partly to its commodious situation and sea-ports, to its proximity to the city of Lisbon, the metropolis of this province and kingdom, and to the noble river Tagus, which is navigable a considerable number of leagues inland, and is therefore the means of a very considerable commerce from that metropolis. See LISBON and PORTUGAL.

ETCHING, a method of engraving on copper, by the help of *aqua-fortis*. See ENGRAVER.

EUPHORBIA is a gummy-resinous concrete, which exudes from a tall shrub, that grows in the remotest parts of Africa. It is brought to us immediately from Barbary, in drops of an irregular form, some of which, upon being broken, are found to contain little thorns, small twigs, flowers, and other vegetable matters: others are hollow, fistulous, without containing any thing in their cavity. The tears in general are of a pale yellow colour externally, somewhat white within-side: they break between the fingers easily, but are extremely troublesome to pulverize, for the powder affects the head in a most violent manner. The best sort of *euphorbia* has a sharp, biting taste, upon being slightly applied to the tongue; and upon being held for some time in the mouth, proves most violently acrimonious, inflaming, and soon exulcerating the fauces, &c. The acrimony of this drug is so very great, as to render it absolutely unfit for any internal use. Several correctors have been invented to abate its virulence; but the best of them are not to be trusted to; and as there seems to be no real occasion for it, we think with Hoffman and others, that it should be expunged from the catalogue of the *Materia Medica*.

EUROPE, one of the four divisions made by geographers of the whole world, is bounded on the north by the Frozen Ocean; on the south by the Mediterranean Sea, which divides it from Africa; on the east by Asia, from which it is parted by the Archipelago, the Euxine, or Black Sea, and the Palus Mæotis, and thence by a line drawn from the river Tanais or Don, almost to the river Oby, in Mucovy; and, on the west, it is bounded by

the Atlantic Ocean. It is extended between thirty-four and eighty degrees north latitude, and between five and eighty degrees of longitude, reckoning the first meridian to pass through the island of Teneriff. It contains in breadth as a continent, from the North Cape to Cape Metapan in the Morea, about two thousand six hundred miles; and in length, from the mouth of the river Oby in the east, to Cape St. Vincent in Portugal, west, about two thousand eight hundred miles.

Though *Europe* be the least of the four parts of the world, it may justly have the preference for the mildness of the air, the fertility of the soil, the many navigable rivers, the greatest plenty of corn, cattle, wine, oil, and all things requisite not only for the sustenance and comfort, but even for the luxury of human life; and more especially for the beauty, strength, courage, ingenuity, industry, and wisdom of its inhabitants; the excellency of their governments, the equity of their laws, the freedom of their subjects; and, which surpasses all, the purity and sanctity of the Christian religion, which is professed throughout all *Europe*, except that part of it which is possessed by the Turks. *Europe* also has for many ages been exceeding populous, and the inhabitants, in general, are justly illustrious for their valour, wisdom, and virtue; by which they conquered the greatest part of Asia and Africa, and subjected them to the two empires of Greece and Rome; and in these latter ages almost one half of the earth, that was formerly unknown, has been discovered by Europeans, and possessed by the colonies they have sent thither. The Europeans also have been the most renowned for learning and arts. All the scholastic sciences they have brought to a much greater perfection than either the Asiatics or Africans ever did; and the invention and improvement of numberless useful and ingenious arts, particularly that of navigation, on which all intercourse of foreign commerce between distant nations depends, is wholly owing to the genius and industry of the inhabitants of this part of the world.

Europe was peopled after the flood, as is generally believed, by the posterity of Japhet, who came from Asia Minor over the Hellespont into Greece, though some say, that the descendants of Shem, passing by land between the Caspian Sea and the Palus Mæotis, went through Tartary and Scythia into Scandinavia, and thence afterwards into France, Germany, and the neighbouring countries.

Though *Europe* is esteemed the most happy and valuable quarter of the globe, these prerogatives are not derived from its size, since, as above-hinted, it is the least of all the four into which the world is divided. It has been supposed, that, if the whole habitable globe was divided into three hundred parts, *Europe* will contain of these twenty-seven, Asia one hundred and one, Africa eighty-two, and America ninety: and, though *Europe* respectively excels America, and perhaps Africa, yet she falls far short of Asia, if we may depend on the accounts of the least exceptionable travellers. With regard to subterranean riches, her gold and silver mines are not to be compared with those in the other quarters of the world; she has few precious stones, and, as to spices and perfumes, we well know from whence they come. But with regard to territory, if we consider what the Spaniards, the English, the Portuguese, the French, and the Dutch possess in other parts of the world, it may be said, that the dominions of the European powers are equal, if not superior to Asia; and, if it does not contain so many people within its own limits, yet it commands more; and in consequence of their trade, the Europeans enjoy all that nature has bestowed on the other parts of the world.

The trade of *Europe* has, in a course of ages, undergone great alterations. Upon the fall of the Roman empire, it seemed to be, in some measure, extinguished, but soon revived among the Saxons, who, when they became masters of this island, established a great maritime power here, which did not continue long, the Danes becoming masters of this country. After some ages, commerce and maritime power retired southward, and were, in a manner, engrossed by the Italian states, particularly by the Venetians and Genoese, who shared the traffic of the East. In the thirteenth century, several free cities in Germany began to league together for the benefit of their trade, and made their confederacy known to the world, by the title

of the Hanseatic league. As their trade acquired them immense wealth and power, so it rendered them haughty and insolent, which, with other concurring circumstances, at length brought on their ruin; for in the fifteenth century, the Portuguese perfected a new route to the East-Indies by the Cape of Good Hope; and about the same time the Spaniards discovered America, which threw the trade of Europe and its chief naval power into the hands of those nations, who, if they had known how to cultivate and use them with moderation, might not only have raised it higher, but made it more durable than it proved. But the boundless ambition, and cruel oppression of the Spaniards, animated the United Provinces to throw off their yoke, and engaged them and the English to share in those riches, which were the source of the Spanish power; and this gave rise to the maritime powers. The progress of the Dutch from this time, in commerce and naval power, was amazingly rapid; for in the space of about half a century, from having scarce any ships at all, they came to have more than all Europe together. Since that time, Great Britain, by extending her commerce and multiplying her colonies, has raised her maritime force to an equality, and now even to a great degree beyond the Dutch. The French too have, for some years past, not only raised a considerable maritime force, but extended their traffic into most parts of the world: for though the three last general wars, in a great measure, ruined their navy, yet we experienced by the last war, that they had greatly raised it again, and carried their commerce to a pitch beyond all apprehension; and, whatever disadvantages they lately sustained in either, they now seem to be in a fair way of retrieving them. So that the maritime affairs of Europe have in the last and present century suffered a very great change, though probably they may suffer a greater before the present century is expired. The like attention to commerce and maritime power has, within these sixty years, appeared in almost every other nation in Europe. The Swedes and Danes have set up East-India companies; the Russians have opened a new and beneficial traffic, as well on the Caspian, as on the Black Sea. The House of Austria has shewed a great desire of reviving the ancient commerce of the Low Countries. The Genoese not long since have erected a company of assurances, to encourage their subjects to venture upon long voyages, and, if possible, to recover their ancient reputation as a maritime power. Nay, even the Spaniards themselves, who, in this respect, have slept for such a number of years, have at length opened their eyes, and erected some companies, and established some capital manufactures for the encouragement and extension of trade throughout their European and American dominions. Whence it is plain, that the navigation and shipping of the Europeans in general are, within these last sixty years, greatly increased, and now in a very prosperous condition.

That nation which augments its commerce and maritime power to the greatest extent, bids fairest to give law to the rest. Thus, for instance, if the House of Bourbon should ever acquire as great a proportion of trade and naval power as either of the maritime powers, by which name they are at present distinguished, this would be an acquisition of much more consequence, than any they have hitherto made in point of territories or dominion. It is therefore the interest of the maritime powers to sustain their characters in that respect at all events; since by this means only they can preserve their independency, protect their subjects wherever they may be settled or dispersed, and assist their allies, notwithstanding the efforts and ambitious designs of any aspiring neighbour. We need not wonder then at a common notion which prevails, as if we had a right to prescribe to some other nations the bounds of their naval greatness. What has been here said in relation to trade and commerce, may answer the end expected from it in an historical light, and enable us, in some measure, to judge of the nature, extent, and comparative strength of what is styled maritime power. We see and know, that whatever state or power is possessed of an extensive commerce, may have a proportionate naval force, the effects of which will render her considerable; yet it is requisite to know how this happens, and why the strength and dominion of a maritime power is firmer and more durable than that which arises from a great extent of terri-

tory, multitudes of subjects, or rich and fruitful countries.

Trade is certainly the strength and happiness of a nation, let the form of its government be what it will; because it introduces industry and arts, by which the manners of a people are civilized, even from the greatest savageness and brutality. Nor is it the number of subjects only, but the number of useful subjects, that is, trading subjects, which makes a state powerful: for commerce introduces property, and without security in that respect, the inducements to pursue trade will flag; but with security it will thrive and prosper, and wherever this security is thoroughly established, and wisely cherished and promoted, it will draw after it an inconceivable flux of people.

Hence we may easily assign the true causes of the long duration of republics renowned for their trade; such as Tyre and Carthage in ancient times, the Venetians and Genoese in latter ages. It is almost impossible, that a nation active and industrious in commerce, and consequently rich and populous, and living under a mild government, should not exert a greater force when employed in attacking others, and have much greater resources in case of being attacked herself, than other states that are defective in those advantages; whence it will appear, how the States of Holland rose to such a power in so short a time, and how her subjects have been also able to thrive and grow opulent under taxes and impositions, which must have beggared them in any other situation than that of a trading republic. Add to this, that trade quite changes the comparative strength of states and kingdoms, because, wherever it resides, it creates so many and so great advantages, and begets such relations and connections, as render a trading country infinitely superior to her neighbours, who are differently circumstanced. For, such a state, if on the continent, can fortify her great towns, so as to resist a power ten times stronger, in respect to people; she can maintain, if requisite, great numbers of regular troops, and on emergency hire more of her neighbours, besides what she may be able to do by the help of her maritime force. Hence arises that great strength, or real power, shewn by trading republics, when attacked either by ambitious princes, or even by powerful confederacies. Thus the Venetians have often been too hard for the Turks; the Genoese, for the most powerful princes in Italy; and, in earlier times, the Lubeckers for the greatest powers in the North. Hence the famous league of Cambray, which was formed for the destruction of the State of Venice in 1509, came to nothing, though the greatest princes of that time engaged in it, and though the Venetians themselves were guilty of some indiscretions, and though also they had been much exhausted by former wars. Thus in like manner, the famous confederacy between France and Great-Britain against Holland in 1762, proved abortive, though, at the first, even the Dutch themselves thought their affairs desperate; but their love of liberty animated them to exert themselves to the utmost, and their commerce furnished them with the means of getting tolerably out of the war. Nor has trade only a great influence on the particular affairs of nations separately considered, being almost the sole cause of a comparative difference in the strength of most of the powers of Europe, but is also of unspeakable advantage to the European quarter of the globe in general: it frees us from the apprehensions of being over-run by those barbarous empires which the Mohammedan religion has established in the world, and likewise brings us every thing that is rich and costly, every thing that is curious and estimable, even from the remotest quarters of the earth; so that to trade alone all is due to this part of the world: in a word, it is to commerce that the people of Europe owe their freedom and independency, their learning and arts, their extensive colonies abroad, and their riches at home; and, above all, that naval power, which so much surpasses any thing of the same kind in other parts of the world, and whatever was attempted in that way in former ages.

The reciprocal connections between nations resulting from trade, have quite altered the state of things, and produced, within these two or three centuries past, a kind of new system in Europe, by which every state is led to have a much greater concern than formerly for what may happen to another. In former ages, a quarrel in the north could only have affected the north; but in the last century things

things were totally altered. Both the English and Dutch sent fleets into the Baltic, upon the quarrel that happened between the Swedes and Danes, a little before the restoration of king Charles II. Not long after this, the crown of Sweden became a contracting party in the famous triple alliance for maintaining the peace of Europe, preserving the Spanish Low Countries, and setting bounds to the power of France. After the revolution, towards the close of the reign of king William, both the maritime powers sent their fleets again into the Baltic, with the same view and the same success; and the like has been done more than once since. In all those cases the pretence was, the love of justice and a punctual performance of treaties, in which there was somewhat of truth; but the real design was, to prevent those inconveniencies which must have befallen the maritime powers, if either Sweden or Denmark had been undone by those wars. May it not, therefore, be truly said, that the balance of power, in the strict sense of that phrase, was created by trade, and must continue to be the object more especially of trading countries, so long as they preserve their commerce and freedom? Whenever any power in *Europe*, therefore, attempts to oppress another, or betrays a design of increasing its own strength, by weakening or conquering its neighbour, other potentates are ready to interpose; from a quick sense, not only of the inconveniencies that must arise from the encroachments made by such a power, but from the just apprehensions that these must prove prejudicial to commerce in general, and to that of several nations in particular.

Whence it appears, that the balance of power is not an empty name, or a chimerical thing, but a just and significant expression, though a new and figurative one. For the intention is, to preserve the several governments of *Europe* in their present condition, and to prevent any in particular from acquiring such a measure of power, as may be dangerous or fatal to those reciprocal interests before observed; which, as they took rise from, are absolutely necessary to the continuance of commerce; as, indeed, any attempts thereupon must be felt by every nation, that has a share of trade to preserve. Now, it follows, that it is the interest of all the powers in *Europe* to support each other's independency, and prevent whatever has the appearance of universal monarchy, or the introducing the influence of one court over the greatest part of the rest; because this must be detrimental to the whole, and injurious to the freedom, learning, arts, manufactures, and commerce, of *Europe* in general.

As *Europe* is now the only part of the world, that is justly renowned for being the emporium, in which all the trade, as it were, of the other parts centers, it will not be improper to pass also in review its commercial correspondence with the other three parts particularly.

Respecting Africa, its inhabitants, Egypt excepted, being mostly barbarians, such as the Moors and Mohammedans on the north and north-east part, and the Ethiopians on the north-east, or the mere savages and negroes of the south and west parts, they all take no great quantities of merchandizes from *Europe*; they take very little, indeed, in comparison of the returns made to Europe in exchange. The *European* goods sent to Africa are such as the Moors of the coast on the south shores of the Mediterranean-Sea take off, which consist chiefly in some English and French woollen and linen manufactures, and great quantities of toys and baubles; in return for which, *Europe* receives from that side of Africa far more than an equivalent in corn, salt, almonds, wax, copper, and a large quantity of very valuable drugs. From the coast of Africa, on the side of the ocean west, and on the side of the Indian or Ethiopian seas east, *Europe* receives annually an immense treasure, either brought immediately to them, or carried by the European merchants in their own ships, and for their own account to America, or elsewhere; and this is properly the European trade, and consists of gold, elephants teeth, slaves, and drugs. By these articles (the quantity and value of which is infinitely great, considering that a great part of them is procured by the exchange of mere toys and trifles, scarce worth naming) the balance of the commerce between *Europe* and Africa is greatly to the advantage of the former; and that so far, that it is mighty extraordinary and unaccountable that the several maritime nations of *Europe* do not extend that commerce to a far

greater degree; which it is manifest might be done with the greatest ease, and to such a height as, perhaps, might equal all the present improvements by colonies and plantations in America, many of which are remote, dangerous, and unhealthy, liable to certain charge, to disaster and miscarriage: whereas Africa is near hand, every way equal in its fertility, superior in its production, the trade safe, the country in many parts extremely healthy, the people tractable, and the returns immensely rich, and doubtless abounding, if we could once carry our traffic into the center of this great and populous country, with an infinite variety of commercial articles; which the Europeans, at present, are absolutely strangers to. These particulars have been already discussed in our general account of Africa.

America is to be next considered with respect to *Europe*. This is often reckoned by far the largest country of the four, into which the world is generally divided; and, if, we may give credit to the measurement of some geographers, it is equal to the other three, and beyond them all, perhaps, in its extent. And it is found, by the experience of commerce, to be infinitely beyond them all in its produce, either on its surface, or from its bowels; for as to manufactures, and the labour of the people, America being unimproved, and the people therein mostly unemployed, that part is not scarce begun: so that *Europe* and Asia, in this respect, go infinitely beyond it. What may be the consequence hereafter, we would not conjecture. As the land of America is the property of *Europe*, so is the commerce; and all the wealth of the country passes yearly away, like a tribute, to the several parts of *Europe* to which the various parts of America belong. And though it is true that the wealth of America goes away, as a tribute to *Europe*, yet it is also true, that it goes thither by way of commerce too, and in return for the manufactures of *Europe*, which are sent to them in America for their supply. In a word, the Europeans receive the whole product of the country, and send the Americans, in lieu thereof, a few cloaths to wear; and these very cloaths are chiefly for the use of the Europeans settled there for maintaining the possession, as lords of the country, and who having dispossessed the native inhabitants, and driven them into corners, rule them with a rod of iron, especially the Spaniards. The produce of America is a prodigy of wealth, immeasurable in its quantity, and inexpressible in its value. It consists chiefly of gold, silver, pearl, emeralds, hides of beasts, tobacco, sugar, cacao, cochineal, indigo, peltry, drugs, spice, cotton, dyers woods, fish and sundry other articles. These are returned to *Europe* in its proper divisions thus: the gold chiefly to Portugal from the Brasils; which is afterwards disseminated, in the course of the Portugal trade, to divers other parts of *Europe*. The silver to Spain, from the shores of the South-Seas, and from Mexico and Peru, which also is dispersed throughout the other parts of *Europe*, in the channels of the Spanish commerce. The fish from Newfoundland is sent to various parts of *Europe*; and the other articles, which are no inconsiderable object, are always disposed of to great profit by their respective proprietors. Upon the whole of this commerce, it is certain that *Europe* also is the gainer, and that to an excess scarce to be conceived; the balance being so great in its favour, that it has, together with the African wealth, immensely enriched and aggrandized all the European nations that have any great concern in these capital branches of commerce.

Asia is likewise a country extremely rich in its product, though, in that respect, not to be compared with either of the former two; but it is rendered so by the prodigious numbers and inimitable diligence, industry, and application of its inhabitants, who are so circumstanced, that they call for little from any other part of the world; and they are so indefatigable, assiduous, and ingenious in the mechanic and manufactory arts, so amply supplied by nature with materials, and their workmanship is so extremely cheap, that they are able to fill the whole world with their manufactures and produce. By which means the state of trade between *Europe* and Asia should stand thus, as we have before, in some measure, observed, in treating of Asia. *Europe* calls for a vast variety of goods from Asia; great quantities of which are dispersed into America and Africa, by way of barter and exchange for the productions of these parts

parts of the world; so that although a considerable part of the silver that comes from America is sent to Asia for their produce and manufactures; yet as silver is one of the plentiful productions of America, it is the same thing as the American bartering any other commodity for the Asiatic commodities, and therefore the trade of Asia cannot be so injurious to the wealth of *Europe*, as some have been wont to apprehend. For let it be supposed, that every ounce of silver that was ever produced in America centered in *Europe*, and was in circulation, it is to be questioned whether *Europe* would be ever the richer, and the comparative state of the riches of these European nations who shared in the American silver, would be the same as it is at present: the labour and manufactures of these nations in *Europe* would be so much dearer, in their reciprocal barter, and exchanges of produce and manufactures with each other; which would still keep upon the same comparative equality, with respect to their riches. But, if the riches of nations so much consist in the plenty of silver, as some are pleased to think, the immense quantity of wrought-plate which is at present in *Europe*, demonstrates that all the silver from America has not been sent to Asia: an immense quantity of it lies dead in these articles; and it may, perhaps, be questioned, whether these nations would be ever the richer, if all the wrought-plate among them was coined into money, and preserved as long as the course of trade would permit in their commercial circulation. If the trade of Asia had for a series of years been so disadvantageous to *Europe*, as is by some suggested, it would certainly have greatly impoverished all these nations therein concerned, which does not appear to be the cause: on the contrary, not only those who have been long interested in this trade, are zealous to preserve and increase it, but new powers are daily struggling to obtain some share of it, which they would hardly do, if they were not convinced that this trade, upon the whole, is really beneficial to the respective potentates who are engaged in it. Add to this, that the peculiar policy of the Asiatics, in regard to the importation of silver from *Europe*, may deserve some consideration; for, though silver is a commodity, which they take partly in barter for their produce and manufactures, yet, if we are rightly informed, this silver is not coined into money, and kept in circulation: no, to prevent this, the princes and great men not only turn a great deal into wrought-plate, but bury under ground immense quantities; whereby they effectually prevent its coming into their commercial circulation, and consequently by that means prevent a rise in all the necessaries, even luxuries of life, and thereby keep the price of labour always low and at a stand; so that by this policy they can afford to sell their produce and manufactures cheaper than any other nation whatsoever. Besides, it is said, that such is the policy of several of the governments in the East-Indies, that their priests propagate a notion among the people, that the more silver they are possessed of, the happier they will be in a future state; which notion occasions the silver to be hoarded and buried, and thereby kept out of circulation, to prevent any rise in the price of labour and commodities; and this is said to be the occasion of the surprizing cheapness of all their produce and manufactures, when bought at first hand, in comparison to those of the richest European nations.

If this principle, upon examination, should be found to be good policy, may not the great paper circulation of the kingdom of Great-Britain, in particular, which is occasioned by our national debts and taxes, deserve serious consideration? For, if paper circulation, by authority, will answer the end of coined money, the more paper there is in circulation by way of transfer or otherwise, the more money there is, in effect, in circulation; and if so, do not our debts and taxes in this respect, as well as in others, contribute to keep up the price of labour, and render our produce and manufactures proportionably dearer than otherwise they would be? Can any thing, therefore, more importantly concern the interests of our commerce, than the

exonerating us from our national debts, and, in consequence thereof, from the payment of those taxes, which are appropriated for the payment of the interest and principal? For when the whole debt shall be paid off, and all the paper effects thereby occasioned, be annihilated, and consequently the public taxes abated, will not all merchandizes fall in their price? That this will prove the case, there are two reasons assignable; the first is, that when those paper effects, which have now the operation of money, are sunk, their operation must cease of course; for, as the value of commodities has risen by the increase of gold and silver within these hundred and fifty years, so would they of necessity fall in their price, if our gold and silver were considerably diminished; the consequence must be the same of that which has the operation of money. The second reason is very obvious; for goods that are taxed bear a price in proportion to the impost upon them; when they are free from this incumbrance, there can be no reason why they should not come to their natural value: for instance, if the duty on malt be six-pence *per* bushel, when this duty is taken off, malt of course should be six-pence a bushel cheaper than before. The same may be said of all other commodities that are taxed.

These observations may give some idea of whatever is necessary to be considered in regard to *Europe* in general.

EXCHANGE, a contract or agreement, whereby one thing is given or exchanged for another. It also implies the public place where merchants, &c. meet, and the trade of money carried on between one place and another, by means of *bills of exchange*. Our readers will see this last point fully discussed under the articles of **ARBITRATIONS of exchange**, **BILLS of exchange**, **COINS**, **CURRENCY**, and **PAY of monies**.

EXCHANGE-BROKERS, are persons who make it their business to know the alterations in the course of *exchange*, and to inform merchants of it; and to give notice to them who have money to pay or receive beyond the seas who are proper persons for doing the same. *Exchange-brokers* also act by commission from the merchants, and sell ship-loads of goods, divided into lots. They generally join to this business that of the *ship-brokers*, both being usually carried on by the same persons; and both goods and ships are sold by them at the coffee-houses near the *Royal-Exchange* by inch of candle. Some *exchange-brokers* deal largely on their own account; and, foreseeing that goods will be wanted, send letters to our plantations, buy them there, and having brought them to England, sell them by auction. It is a very profitable business, and requires great knowledge in trade; but these brokers take no apprentices. See **AGENT, BROKER**.

EXCHEQUER, is an ancient court of record, wherein all causes, touching the rights and revenues of the crown, are heard and determined, and where the revenues of the crown are received.

EXCISE, a duty or impost charged upon liquors, as beer, &c. made for sale, as also on malt, &c. within the kingdom of Great-Britain, and town of Berwick upon Tweed. The *excise* is also in use in Holland, and the word is supposed to be derived from the Low Dutch, *accise*, which is a tax in Holland on beer and other liquors, for common drinking.

The first mention in history of an *excise*, in this kingdom, is a proposition made to king James I. for bridling the impertinency of parliaments, as it is called. The next instance was in the reign of king Charles I. who granted a commission for establishing an *excise* here. But in the next reign the parliament granted an *excise*. By this time the *excise-revenues* were advanced to a very great value. After this, the consequences of the revolution engaged us in an expensive war, which could not be supported without many taxes; some of which were raised by additional *excises*. But these not being sufficient, the ministry turned their thoughts to other *excises*.



